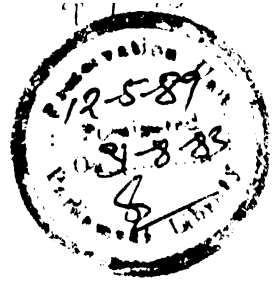


Friday, 1st June, 1951



PARLIAMENTARY DEBATES

(Part I—Questions and Answers)

OFFICIAL REPORT

VOLUME VIII, 1951

(17th May to 9th June, 1951)

Third Session (Second Part)
of the
PARLIAMENT OF INDIA

1951

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(Part I—Questions and Answers)
OFFICIAL REPORT

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PARLIAMENT OF INDIA

Friday, 1st June, 1951.

The House met at Half-past Eight of the Clock.

[MR. SPEAKER in the Chair]

ORAL ANSWERS TO QUESTIONS

STAMP SELLING MACHINES

*4742. **Shri S. C. Samanta:** (a) Will the Minister of Communications be pleased to state how many Stamp Selling Machines were ordered for import?

(b) How many have come and where they are working?

(c) which countries are supplying these slot machines?

The Deputy Minister of Communications (Shri Raj Bahadur): (a) Two proto-type machines for selling post-cards and envelopes were ordered for experimental purposes. No Stamp Selling Machine has yet been ordered.

(b) One postcard selling machine has been received. It was installed in the Asian Games Post Offices and also Parliament House Post Office for some time.

(c) The machine just mentioned was manufactured in Switzerland. The other machine has been ordered from United Kingdom.

Shri S. C. Samanta: May I know from the hon. Minister how much economy is expected by the Postal Planning Scheme when these machines will come into India?

Shri Raj Bahadur: It is difficult to state in financial terms the exact economy but it is obvious that such machines do save a lot of labour and lot of time.

Shri S. C. Samanta: Is it not the variation in prices of postcards and envelopes brought about in the Budget 123 PSD.

sessions, standing in the way of the introduction of these machines?

Shri Raj Bahadur: No, Sir.

Shri Chattopadhyay: Is it a fact that the machine that was set up in the Parliament Post Office was used for a day only and later on it was found to have gone out of order?

Shri Raj Bahadur: To a certain extent it is true, but I may inform the House that both these machines were ordered simply as an experimental measure and no large scale orders have been placed with any country. The machine that was obtained did not exactly go out of order. What happened was that if the machine is handled from the front, it works all right but if you work it from the sides, it goes out of order and instead of one postcard 2 or 3 postcards come out at a time for one anna.

Shri S. C. Samanta: May I know the price of the machine obtained?

Shri Raj Bahadur: It is Rs. 2,433, or about 2,200 Swiss francs approximately.

Shri S. C. Samanta: Is it not a fact that the printing of stamps in sheets in our country stand in the way of introduction of stamp selling machines?

Shri Raj Bahadur: That is true, Sir.

Shri Amolakh Chand: May I know if there is a proposal to put one machine each in all the important cities of India for experimental purposes?

Shri Raj Bahadur: The whole thing is under experiment at the present time. Unless and until we make sure of the success of the whole scheme, it is too early to say anything.

Shri Sondhi: Is the machinery now lying in cold storage or any use is being made out of them?

Shri Raj Bahadur: It is not lying idle. As a matter of fact one of the officers who happened to go to Switzerland for an international conference

has been deputed with the duty of meeting the officers of the company which gave this machine to us and to see what can be done to improve upon it. I may inform the House that we are trying to import machines on an experimental measure from the U. K., and we expect one very early.

"ANNAPURNA" FERTILIZER

*4743. **Prof. S. N. Mishra:** Will the Minister of Food and Agriculture be pleased to state:

(a) whether a new cheap fertilizer 'Annapurna' has been prepared by a Bombay Scientist; and

(b) if so, what are the specialities of the fertilizer?

The Minister of Food and Agriculture (Shri K. M. Munshi): (a) Yes.

(b) None, according to the results of the experiments conducted so far from 1949.

Prof. S. N. Mishra: May I know what are the constituents of this new fertilizer?

Mr. Speaker: He means the chemical components?

Shri Sondhi: Composition.

Shri K. M. Munshi: I do not know the chemical composition and I have not enquired from the inventor the composition so far.

Prof. S. N. Mishra: May I know whether there is any possibility of manufacturing it on a commercial scale?

Shri K. M. Munshi: The success of it is not established. It has produced very small quantities from which it is not possible to say whether there is anything in it.

Shri Sidhva: May I know the result of the report of the director or officer appointed by the Agricultural Ministry in this respect?

Shri K. M. Munshi: As a matter of fact these 'Annapurna' fertilizers were brought down on more than one occasion and the results obtained at the Indian Agricultural Research Institute and the Central Rice Research Institute show that in every case they failed to put out the claim made for the manure.

Mr. Speaker: Let us go to the next question.

FOOD SCARCITY IN BIHAR

*4744. **Shri Kamath:** Will the Minister of Food and Agriculture be pleased to state:

(a) whether it is a fact that the poorer sections of the population in

certain northern areas of Bihar are living on grass and leaves; and

(b) if so, what steps have been or are being taken to alleviate the distress there?

The Minister of Food and Agriculture (Shri K. M. Munshi): (a) No, Sir.

(b) Though this Question does not arise, in view of the reply to (a), it is true that the poorer sections of the population have been hard hit, and have had to take greater recourse to subsidiary foods. To meet the situation, both the Government of India and the Government of Bihar are taking various steps to relieve the distress in the affected areas. Distribution of foodgrains on an extensive scale has been arranged in urban and rural areas through fair price shops numbering over 3,300 serving a total population of 56.2 lakhs in North Bihar alone. The Bihar Government have sanctioned relief works in these areas to provide purchasing power to the masses. Agriculture and land improvement loans have also been arranged and the usual rules for the distribution of such loans have been relaxed.

They have also taken necessary administrative measures to ensure that relief is offered to the maximum possible extent.

Shri Kamath: From the latest reports available with the Government, which are the districts in Bihar which are the most hard hit?

Shri K. M. Munshi: Muzaffarnagar, Darbhanga, Sarasa, Bhagalpur, Purnea, Saran and Champaran.

Shri Kamath: How much of foodgrains have been collected by Government in the recent food drive for collection for help to Bihar and Madras and how much of that has been sent to Bihar and how much to Madras?

Shri K. M. Munshi: I have not got the figures here.

Shri Kamath: What proportion of the imported foodgrains has been set apart for Bihar?

Shri K. M. Munshi: There is no question of setting apart any quantities this year. There has been no question of allotment also interfering with the supplies. All supplies that could physically be transported from Calcutta to Bihar are being sent as already stated, at the rate of 3,000 tons per day.

Shri B. R. Bhagat: May I know whether reports have reached the Government that the foodgrains in the Government Fair Price shops in the deficit districts of Bihar are not being disposed of due to lack of effective demand?

Mr. Speaker: In other words, the people have not got the purchasing power.

Shri K. M. Munshi: I think the hon. Member put the same question before and I answered it.

Dr. Ram Subhag Singh: In view of the fact that the poorer sections of the people of North Bihar have been hard hit by food scarcity, as stated by the hon. Minister, may I know whether the Government propose to start some road and building construction programme to provide them with work to raise their purchasing power?

Shri K. M. Munshi: The State Government has already provided Rs. 11.5 crores for relief in various forms to provide the purchasing power to landless labour such as gratuitous relief loans and relief works involving heavy and land manual labour, medical relief, public health measures, arrangements for supply of drinking water etc. In order to obviate the difficulty of the agricultural employers who are short of funds, the Bihar Government have provided for agricultural and land improvement loans to the extent of about Rs. 3 crores. And the usual loans about the distribution of such loans have been relaxed.

Shri Jnani Ram: May I know the amount so far spent for increasing the purchasing power of the people?

Shri K. M. Munshi: If the hon. Member gives notice, I shall make enquiries in this matter.

Maulvi Wajed Ali: May I know the price of rice and wheat in this part of the province?

Shri K. M. Munshi: I am speaking from memory, subject to correction. Sometime ago it was Rs. 43 per maund for rice. It has now come down to a little less than Rs. 25.

Maulvi Wajed Ali: Is it not high?

Several Hon. Members rose—

Mr. Speaker: Order, order. It is not possible to give opportunity to all Members. I am trying to select Members from Bihar. Mr. Mohiuddin.

Saikh Mohiuddin: May I know the number of persons engaged in the different schemes of the Bihar Government which have been introduced to give work to landless labourers?

Shri K. M. Munshi: The National Cadet Corps, Home Guards, Engineering and Medical students have been mobilised for assistance in relief operations. The number of people employed in relief works is about 80,000 in Dharbhanga, 20,000 in Sarsa, and 50,000 in Purnea.

Shri S. N. Das: May I know whether the Government is in a position to state which of the non-official agencies have begun to work in the affected areas of Bihar?

Shri K. M. Munshi: Except those that I have mentioned, I have no knowledge of other non-official agencies. I know there is a non-official committee that has been recently started in Bihar.

Shri A. C. Guha: May I know if the Survey party of the Delhi School of Economics has submitted any report to the effect that in some parts due to the lack of purchasing power, people have been forced to take to some grass, leaves and something like that, substitute diets which are not fit for human consumption?

Shri K. M. Munshi: As a matter of fact, I have referred to the report of the Delhi Economic committee. As I just pointed out, efforts are being made to provide purchasing power to the landless poor.

Shri B. R. Bhagat: May I know whether the Government have any information as to the quantity or percentage of foodgrains in the Fair Price shops in those areas which is disposed of and which is left over, and the rate at which foodgrains are being disposed of?

Shri K. M. Munshi: I must have notice for that. I will have to make specific enquiry about any particular date.

TENANCY LAW IN VINDHYA PRADESH:

*4745. **Shri Jnani Ram:** (a) Will the Minister of States be pleased to state whether there is a Tenancy Law in Vindhya Pradesh;

(b) If not, do Government propose to legislate a Tenancy Law for Vindhya Pradesh and if so, when?

The Minister of States, Transport and Railways (Shri Gopalaswami):
(a) There is no uniform Tenancy Law

applicable to the whole of Vindhya Pradesh.

(b) Yes. It is proposed to promote legislation for this purpose as soon as possible.

Thakur Krishna Singh: Have the Government made any attempt to examine the various tenancy laws in the various parts of Vindhya Pradesh in connection with the legislation that is to come in the future?

Shri Gopalaswami: Government have received a proposal for the extension of the Bihar Land Revenue Code throughout the State. That is under consideration. They have also received a Bill for the abolition of jagirdari. That is also under consideration.

Shri Dwivedi: What is the time likely to be taken for the introduction of the Bill for reforms in tenancy in Vindhya Pradesh?

Shri Gopalaswami: I have said, as soon as possible.

Shri Dwivedi: Is it a fact that in the new Budget, this right of legislation on tenancy matters has been taken away from the local Assembly?

Shri Gopalaswami: Budget?

Shri Dwivedi: It is stated that the sanction of the President is necessary and that the local legislature cannot legislate on the subject of revenue.

Shri Gopalaswami: I do not understand the question.

Mr. Speaker: So far as Vindhya Pradesh is concerned, is there any local legislature now?

Shri Dwivedi: Yes. The Bill which is under consideration provides that the local legislature will not be able to legislate on this matter.

Mr. Speaker: That is, in the Part 'C' States Bill?

Shri Dwivedi: Yes.

Mr. Speaker: That Bill is under consideration by this House. The hon. Member may comment on it when it comes up.

Shri Jaani Ram: Will any committee be appointed to examine the tenancy laws before any Bill is introduced?

Shri Gopalaswami: Before legislation is undertaken?

Shri Jaani Ram: Yes.

Shri Gopalaswami: We will consider the suggestion.

BRIDGE OVER BRAHMAPUTRA

***4746. Dr. Ram Subhag Singh:** (a) Will the Minister of Transport be pleased to state whether it is a fact that Government have drawn up a scheme for the construction of a bridge over the Brahmaputra?

(b) If so, what is the estimated cost of constructing that bridge?

The Minister of State for Transport and Railways (Shri Santhanam): (a) No, Sir.

(b) Does not arise.

Mr. Speaker: Next question.

Shri Chaliha: May I ask a question?

Mr. Speaker: Hon. Members must be alert. I won't allow such questions in future.

Shri Chaliha: May I know whether during the war, the Americans collected a large quantity of materials for the construction of a bridge over the Brahmaputra? What has become of those materials?

Shri Santhanam: I would require notice as to what happened to those materials. There is no proposal under consideration now.

MONEY ORDERS, V.P.P. ETC. BETWEEN INDIA AND PAKISTAN

***4747. Dr. M. M. Das:** Will the Minister of Communications be pleased to state:

(a) the date since when money order, V.P.P. and insured services between Pakistan and India have been suspended;

(b) the reasons for such suspension;

(c) whether any attempts are being made by the Government of India for reopening those services; and

(d) whether this matter will be taken up in the proposed meeting of the Finance Ministers of India and Pakistan that will be held shortly?

The Deputy Minister of Communications (Shri Raj Bahadur): (a) 19th September, 1949.

(b) Due to devaluation of Indian rupee and non-devaluation of Pakistan rupee.

(c) Yes, Sir. The matter is under correspondence with the Pakistan Government.

(d) Yes Sir.

Dr. M. M. Das: In answer to part (d) of the question, the hon. Minister said, Yes. I want to know whether this

particular matter was discussed in the recent Finance Ministers' Conference.

Shri Raj Bahadur: It is understood that at the Conference which was recently held at Governmental level between India and Pakistan, this matter was taken up. I think for the rest, the hon. Member may kindly address a question to the proper Ministry.

Dr. M. M. Das: May I know whether this matter was taken up before this Finance Ministers' Conference between the two countries and if so what were the results?

Shri Raj Bahadur: Yes, Sir. A telegram was sent to the DGPT, Pakistan, Karachi on 2nd April 1951 and another D.O. letter was sent to him on 19th April 1951. Our High Commissioner in Pakistan Mr. Khub Chand was also requested to take up this matter with the Pakistan authorities which he did. The matter is yet under negotiation.

Dr. M. M. Das: May I know the nature of the difficulties that have stood in the way of resumption of these postal services?

Shri Raj Bahadur: On 26th/27th February 1951, India fixed the exchange rate with Pakistan. After that the difficulty of conversion of currency of one country into that of the other has not yet been fully overcome. That is the difficulty that comes in the way.

WIRELESS TELE-COMMUNICATION STATION IN CALCUTTA

*4748. **Dr. M. M. Das:** Will the Minister of Communications be pleased to state:

(a) how far the plan for establishing a wireless tele-communication Station in Calcutta has been finalised;

(b) the estimated cost for the implementation of the scheme;

(c) the benefits and advantages to be derived by India when the scheme will materialise; and

(d) the annual recurring expenditure and the annual revenue to be derived from this scheme?

The Deputy Minister of Communications (Shri Raj Bahadur): (a) The hon. Member's attention is invited to the reply given to Shri R. K. Sidhva's Starred question No. 4149 on the 15th May 1951. The establishment of a wireless tele-communications Station in Calcutta is a part of the 5-Year Development Plan of the Overseas Communications Service, which is now under consideration.

(b) About Rs. 35 lakhs.

(c) The scheme will enable India to have direct and quicker telegraphic and telephonic communications with certain important countries of the world and will also give some additional revenue.

(d) Approximately Rs. 9 lakhs and Rs. 12 lakhs respectively.

Dr. M. M. Das: May I know whether any other cities in this country are proposed to be connected with other parts of the world by tele-communication?

Shri Raj Bahadur: Calcutta is expected to be connected with other countries. At present we have got it at Madras and Bombay.

Dr. M. M. Das: May I know whether in addition to this tele-communication, what other methods of communications exist today connecting India and other countries?

Mr. Speaker: I think it is a repetition of the same supplementaries to the question of Mr. Sidhva.

Shri Raj Bahadur: All these questions have been put and answered.

Shri Chattopadhyay: May I know whether it is a fact that more than 50 per cent. of the over-seas communications are booked from the Calcutta side?

Shri Raj Bahadur: I should like to have notice; there is no such estimate made about it.

OFFER OF LOAN OF TELESCOPE

*4749. **Dr. Ram Subhag Singh:** Will the Minister of Communications be pleased to state:

(a) whether it is a fact that an offer to lend a 24-inch Bruce telescope on a long-term basis of 50 to 99 years has been made to India by Dr. Harlow Shapley, Director of the Harvard (U.S.A.) College Observatory; and,

(b) if so, whether the Government of India will accept that offer?

The Deputy Minister of Communications (Shri Raj Bahadur): (a) No such offer has so far been received by the Government of India.

(b) Does not arise.

Shri Kamath: What is the specification of the best telescope that the Government has at present?

Shri Raj Bahadur: There are two observatories, one at Kodaikanal; the Sdar Physical Observatory, and the other, the Nizamia Observatory, at Hyderabad. The Kodaikanal observatory has a 20" telescope.

Dr. Ram Subhag Singh: What is the number of foreign experts employed in these two observatories?

Shri Raj Bahadur: Sir, this hardly arises from the main question which is about the offer of a telescope, whether we have received such an offer or not.

ABOLITION OF Zamindari AND Jagirdari IN PEPHU

*4750. **Shri Sanjivayya:** Will the Minister of States be pleased to state:

(a) whether the Committee set up by Government to go into the question of abolition of *Zamindari* and *Jagirdari* in PEPHU has submitted its report; and

(b) if so, what action have Government taken so far on its recommendations?

The Minister of States, Transport and Railways (Shri Gopalaswami): (a) No.

(b) Does not arise.

OFFER OF WHEAT PROCUREMENT BY FARMERS

*4751. **Shri Sidhva:** Will the Minister of Food and Agriculture be pleased to refer to part (b) of starred question No. 4279 asked on the 18th May, 1951 and state:

(a) whether the Minister, who was approached by the deputationists stating that they could procure one million maunds of wheat from two districts of Gujarat, made enquiries from Bombay Government;

(b) whether his Ministry made independent enquiry as to whether ten lac maunds of wheat was available if higher prices were offered; and

(c) if so, what efforts were made to secure this quantity?

The Minister of Food and Agriculture (Shri K. M. Munshi): (a) Attention of the hon. Member is invited to the reply given to part (a) of question No. 4279 on 18th May, 1951 wherein it was stated that the hon. Minister, Civil Supplies (Bombay) was informed of the matter.

(b) No; As the price at which the wheat was offered was very high, it was not considered necessary to make any further enquiry direct by this Ministry.

(c) Does not arise.

Shri Sidhva: Sir, this is the same question that the hon. Minister is referring me to. I ask him a question

of India except to import about 1:1 invites my attention to his reply to the same question No. 4279.

Mr. Speaker: That means the Minister has nothing more to say.

Shri Sidhva: He should have stated so plainly. However...

Mr. Speaker: What is the next question if any?

Shri Sidhva: Yes, Sir, I am putting it.

May I know whether an independent enquiry was made by the hon. Minister as to whether one million maunds of grain were available there?

Shri K. M. Munshi: The deputationists met me and I made enquiries from the Minister, Civil Supplies (Bombay). The position was this. At that time the Bombay Government was going on with procurement at the rate of Rs. 16/4/- per maund, that being the procurement price fixed by the Central Government. The deputationists wanted to sell this much quantity of grain at Rs. 25 per maund, and in that case it would have been impossible for the Bombay Government to procure any foodgrains at Rs. 16/4/- per maund had I accepted that offer. As a matter of fact, the Government of Bombay has been procuring at the rate of 4,000 tons per week in the Gujarat districts at the same time as these people offered the grain at the rate of Rs. 25 per maund.

Shri Sidhva: Apart from this question of price, was this much of hoarded grain available or not?

Shri K. M. Munshi: It was not hoarded. It was in the open market which they would have brought into the procurement.

THEFT OF TELEGRAPH WIRES

*1752. **Pandit Munishwar Datt Upadhyay:** (a) Will the Minister of Communications be pleased to state whether there is any organised gang operating in certain areas for the theft of telegraph wires or these were only isolated cases of theft by individuals?

(b) Is it a fact that a gang of wire thieves has been operating near Kanpur?

(c) Have any arrests been so far made out of the gang?

The Deputy Minister of Communications (Shri Raj Bahadur): (a) and (b). Government have no information.

(c) No. But the cases are under police investigation.

Pandit Munishwar Datt Upadhyay: May I know whether Government have any information of any quantity of wires being stolen?

Shri Raj Bahadur: The information is not readily available.

श्री जांगड़े : क्या माननीय मंत्री बतलायेंगे कि गत बजट सत्र में तार की चोरी को रोकने के लिये और चोरों को दंड देने के लिये जो कानून बनाया गया था उसके बनाने के पश्चात् कितने मामले चलाये गये और कितना तार सरकार के पास वापस आया ?

[**Shri Jangde:** Will the hon. Minister please state the number of cases instituted since the legislation for checking the theft of wires and punishing the culprits was enacted in the last Budget Session and the quantity of wire recovered?]

श्री राज बहादुर : जी हां, जो कानून बनाया गया था अर्थात् Telegraph Wire (Unlawful Possession) Act, 1950. वह पहली अप्रैल, १९५१ को लागू हुआ है। उस समय से अब तक बहुत थोड़ा समय बीता है। और इस बीच मैं इसके बारे में कोई अनुमान नहीं लगाया जा सकता कि इस ऐक्ट के अन्तर्गत क्या कार्य हुआ है।

[**Shri Raj Bahadur:** The law enacted, i.e. Telegraph Wire (Unlawful Possession) Act, 1950 came into force from 1st April, 1951. Very little time has passed since then and it cannot be possible to assess the work that has been done during this time.]

FOOD GRAINS FROM U.S.A.

*4753. **Pandit Munishwar Datt Upadhyay:** Will the Minister of Food and Agriculture be pleased to state:

(a) what was our proposed amount of the purchase of food grains from U.S.A. in the year 1951; and

(b) what amount out of that has so far been purchased, what amount has reached the shores of India and what amount is yet to be purchased and brought to India?

The Minister of Food and Agriculture (Shri K. M. Munshi): (a) Government

of India except to import about 1.1 million tons wheat and 635,000 tons milo from U.S.A. in the year 1951.

(b) The quantities of foodgrains purchased from U.S.A. to date for shipment and arrival in 1951 amount to 742,000 tons wheat and 635,000 tons milo. A further quantity of about 400,000 tons wheat is expected to be purchased for shipment during the year.

Upto 20th May 1951 actual arrivals amounted to 221,100 tons wheat and 272,300 tons milo.

Pandit Munishwar Datt Upadhyay: May I know whether this delay in the arrivals is due to shipping difficulties and has there been any increase in the rates of shipping?

Shri K. M. Munshi: Whatever delay has taken place is only due to the shipping availability. I may mention that recently there has been no delay so far as shipping is concerned because some more ships have been placed at the disposal of India.

Pandit Munishwar Datt Upadhyay: My question was whether the shipping rates have been increased due to the heavy demands on the ships.

Shri K. M. Munshi: I don't think so.

भारतीय कृषि अनुसन्धान परिषद्

*४७५४. **श्री जांगड़े :** क्या कृषि तथा कृषि मंत्री यह बतलाने की कृपा करेंगे कि :

(ए) क्या यह सत्य है कि हाल ही में देहरादून में भारतीय कृषि अनुसन्धान परिषद् की एक बैठक बुलाई गई थी ;

(बी) उस बैठक में किन किन विषयों पर चर्चा की गई थी तथा उन में से किन-नों के सम्बन्ध में कोई विनिश्चय किये गये ;

(सी) क्या उस बैठक में एक कृषि सेना तैयार करने के किसी प्रश्न पर विचार किया गया था ;

(ड) यदि किया गया था, तो इस कृषि सेना को किस पद्धति के अनुसार तैयार किया जायेगा, इस के क्या कृष्य होंगे तथा विभिन्न राज्य-सरकारों से किस सीमा तक सहयोग के प्राप्त करने की चेष्टा की जायेगी ?

INDIAN COUNCIL OF AGRICULTURAL RESEARCH

[*4754. **Shri Jangde:** Will the Minister of Food and Agriculture be pleased to state:

(a) whether it is a fact that a meeting of the Indian Council of Agricultural Research was recently called at Dehra Dun;

(b) what were the subjects discussed at the meeting and on how many of them were decisions taken;

(c) whether the question of the formation of a land army came up for consideration at that meeting;

(d) if so, on what lines is this land army going to be formed, what are going to be its functions and what will be the extent of co-operation to be sought from the State Governments?]

The Minister of Food and Agriculture (Shri K. M. Munshi): (a) Yes.

(b) (i) Election of five members of the Governing Body of the Council on its Standing Finance Committee.

(ii) How to implement an Agricultural Extension Scheme for the Country.

(iii) Organisation of crop competitions.

(iv) A Key Village scheme for the improvement of Cattle.

Decisions were taken on all the four subjects.

(c) Yes.

(d) Details have yet to be worked out in consultation with the State Governments which have been addressed on the subject. The idea is to enlist the co-operation of village leaders interested in rural development, enterprising farmers, and other public spirited persons and to infuse amongst them enthusiasm for effecting improvements in Agriculture and in the rural life of the country. Training will be given to these workers through short courses and the programme of work to be executed through them will include planting of trees and their maintenance, composting, growing vegetables, pests and disease control through simple methods, eradication of weeds, tank improvement, crop competitions etc. The Central Government or the Indian Council of Agricultural Research will share with the States the cost of training and equipment of the senior extension personnel and the "Land Army" which will, however, be organised by the States themselves.

Shri Jangde: What is the expenditure estimated for this purpose?

Shri K. M. Munshi: It is being worked out.

Shri Jangde: May I know whether the army personnel of the Defence Forces are extending their help in this new device?

Shri K. M. Munshi: So far no request has been made to them.

Shri Jangde: On what principle or basis are these land armies being formed?

Shri K. M. Munshi: The basis as I mentioned is to enlist village readers, enterprising farmers as well as other enthusiastic persons in public life to join the land army and help in the expansion of the work in the country.

Shri Jangde: May I know whether the Provincial Governments will also share the expenditure that is estimated to be incurred for this purpose?

Shri K. M. Munshi: I have already replied to that question in my main answer.

Mr. Speaker: The point he wants to know is whether in the estimates which the Minister has said are being worked out...

Shri K. M. Munshi: Yes, they are being worked out, but the expenditure will be shared.

श्री द्विवेदी: इंडियन कांसिल आफ ऐग्रिकल्चरल रिसर्च के अन्तर्गत कितनी उपसमितियाँ हैं, उनका क्या क्या काम है, कब उनका प्रादुर्भाव हुआ और उन्होंने जो काम किया उसका क्या फल हुआ ?

[**Shri Dwivedi:** How many sub-committees are there under the Indian Council of Agricultural Research, what are their functions, when were they brought into existence and what has been the result of the work done by them?]

Shri K. M. Munshi: A statement was laid on the Table of the House on the whole work and activities of the I.C.A.R. which are fairly wide.

श्री एस० ऐन० दास: क्या मैं जान सकता हूँ कि इस सेना के सिपाही सर्वतनिक हैं या स्वेच्छा सेवक ?

[**Shri S. N. Das:** May I know whether the personnel of this army are paid or honorary?]

Shri K. M. Munshi: Except for some of the existing Agricultural Department personnel who will be brought in as officers and trained as such, the others will be honorary.

Saikh Mohiuddin: Is there any scheme before the Government to recruit unemployed persons with low educational qualifications so that the agriculture of the land may develop?

Shri K. M. Munshi: So far there has been none.

Shri Amolakh Chand: What help is expected from non-official bodies to supplement the land army?

Shri K. M. Munshi: It is expected that they will join the training classes for this purpose, for a few weeks, and then go to the districts and help in organising the land army.

लक द्वीप में खाद्यान्नों का उत्पादन

*४७५५. श्री जंगड़े: क्या खाद्य तथा कृषि मंत्री यह बतलाने की कृपा करेंगे कि :

(ए) क्या लक द्वीप अब पैदा करने के सम्बन्ध में स्व.बलम्बी है तथा जितने भनाज का वहाँ उत्प.दन होता है वह उस द्वीप के लिए पर्याप्त है ;

(बी) यदि भाग (ए) का उत्तर निरोधात्मक हो तो उस द्वीप में भज पहुंचाने की क्या व्यवस्था है और वह कहाँ से भेजा जाता है ; तथा

(सी) इस द्वीप की मुख्य उपज क्या है ?

PRODUCTION OF FOOD GRAINS IN LACCADIVA

[*4755. **Shri Jangde:** Will the Minister of Food and Agriculture be pleased to state:

(a) whether Laccadive is self-sufficient in the matter of food and whether the foodgrains produced there suffice for the needs of the island;

(b) if the answer to part (a) above be in the negative, what are the arrangements for sending foodgrains there and from where they are sent; and

(c) what are the main crops of this island?]

The Minister of Food and Agriculture (Shri K. M. Munshi): (a) No.

(b) Foodgrains are supplied to the Laccadive Islands from the mainland by the Madras Government periodicaly.

(c) The Laccadive Islands mainly grow coconuts.

Shri Jangde: May I know what is the population of this Island?

Shri K. M. Munshi: Unfortunately I have not got it here.

Shri Jangde: May I know what is the total area that is under cultivation and the area that is covered by forests?

Shri K. M. Munshi: I will collect all these details if the hon. Member is anxious to have them.

Shri Jangde: Is the Grow More Food scheme working there and what financial help the Provincial Governments are giving in that respect?

Mr. Speaker: Order, order. There is no question of growing food there. They are all coconuts.

CHIEF COMMISSIONERS

*4756. **Shri Dwivedi:** Will the Minister of States be pleased to state:

(a) scope and extent of executive authority being exercised by a Chief Commissioner in a part 'C' State; and

(b) whether the Central Government directs the Chief Commissioner so far as the policy only is concerned or on matters of detail also?

The Minister of States, Transport and Railways (Shri Gopalaswami): (a) and (b). Under Article 239 of the Constitution Part 'C' States are administered by the President acting to such extent as he thinks fit through Chief Commissioners. Broadly stated, the practical position is that, wherever the Central Government has its own administrative organisations e.g., in regard to Customs, Income-tax, Central Excises, Audit and Accounts, the executive authority of the Centre is exercised direct. The matters in which the authority of the Centre is exercised through the Chief Commissioner correspond to those subjects where in a Part 'A' or a Part 'B' State the State itself exercises authority, as well as those matters where the executive authority of the Centre is exercised through the State Government under agency arrangements made in pursuance of Article 258. The extent of

powers delegated to the Chief Commissioners varies according to the nature of the functions involved. No hard and fast rule regulates the exercise of these powers. The general practice is that in matters of policy and importance he takes the orders of the Central Government but in a large variety of cases he acts on his own initiative, subject always to control and direction of the Central Government.

Shri Dwivedi: May I know what are the Departments which are under the direct control of the Chief Commissioner and which are the Departments in which he has to consult the Central Government?

Shri Gopalaswami: I have already given example of the Departments in which the Central Government exercise authority through its own agency. They are Customs, Income-tax, Central Excise, Audit and Accounts. With regard to the Departments where the Chief Commissioner has a larger initiative, they are the Departments which in Part 'A' and Part 'B' States are directly looked after by the State Governments.

Shri Dwivedi: May I know if the Chief Commissioner is under the control of one Minister or several Ministries. In case he is under the control of one Minister, what is the procedure adopted in the case of the Departments which are subordinate to other Ministries?

Shri Gopalaswami: Wherever the Central authority has to be exercised, that is done through the Ministry concerned except in regard to general supervision and control which is exercised by the States Ministry.

Shri Dwivedi: May I know if any difficulty has been pointed out to Government in connection with the working of the Chief Commissioner in relation to several Ministries?

Shri Gopalaswami: I don't think the Chief Commissioners have expressed any grievance about that.

Shri Dwivedi: May I know...

Mr. Speaker: Let us go to the next question. He is going into details however important they may be.

Shri R. K. Chaudhuri: Is it a fact that during the middle of March last when there was a difference of opinion between the Chief Commissioner of a Part 'C' State and the State Congress the Chief Commissioner went to the length of beating a Congress worker with lathi and if so, does the executive

authority of the Chief Commissioner go to that extent?

Mr. Speaker: Order, order.

Shri Poonacha: Are there any restrictions limiting the financial powers of the Chief Commissioners with reference to the day to day administration?

Shri Gopalaswami: There are rules.

Shri Dwivedi: I want to know whether in case of emergency, the Chief Commissioner is authorised to act even without consulting the Government of India on matters of policy?

Shri Gopalaswami: He may in the event of grave emergency.

CHIEF COMMISSIONERS

*4757. **Shri Dwivedi:** Will the Minister of States be pleased to state:

(a) how in such Part 'C' States where there exists no Advisory Committee or any other popular body to aid and advise the Chief Commissioner the Governments acquaint themselves with the popular trends; and

(b) whether there is any authority, officer or other medium through which the Central Government check the work of a Chief Commissioner or his activities to see that it is in keeping with the policy of the Government irrespective of the reports submitted by the Chief Commissioner himself?

The Minister of States, Transport and Railways (Shri Gopalaswami): (a) Through ascertaining the views of representative public men and of local organisations as also of the Press besides maintaining close contact with the people in general.

(b) The hon. Member can depend on the Central Government to evolve for itself effective means of ensuring that its policy is actually implemented by the Chief Commissioners who are themselves chosen from among those whom the Central Government regards as competent, reliable and trustworthy.

Shri Dwivedi: May I know what is the number of bodies of public men who have been consulted and on what occasions in connection with the running of Government in Vindhya Pradesh?

Shri Gopalaswami: That would require investigation. I wonder if it is worth while making the investigation.

Shri Dwivedi: Is it a fact that when Committees are appointed by Government, their considered opinion is disregarded as for example in the case of the Temple Committee?

Shri Gopalaswami: I question that statement. But if the hon. Member would bring to my notice any particular cases, I will enquire into it.

Shri A. C. Guha: In how many of the Part 'C' States there is no advisory council and where the Advisory Council has been formed, in how many States the Advisory Council has not been functioning harmoniously with the Chief Commissioner?

Shri Gopalaswami: I think there were questions on this previously and I had given answers as to where advisory councils have been constituted where they have functioned properly and where they have not functioned at all.

Shri Dwivedi: May I know if in connection with the *Satyagraha* which was started in Chattarpur whether Government consulted any public workers before arrests were made?

Mr. Speaker: He is going into details.

श्री भट्ट : क्या माननीय मंत्री जी बतलायेंगे कि इन सलाहकार समितियों की जो कार्यवाही होती है वह प्रकाशित होती है और उन्होंने जो सुझाव रखे हैं उन के ऊपर गवर्नमेंट या चीफ कमिशनर ने जो काम किया है उसके बारे में कोई प्रकाशन होता है ?

[**Shri Bhatt:** Will the Minister please state whether the proceedings of the Advisory Committees are made public or not and whether the decision taken by the Government or the Chief Commissioner on their recommendations is also made public.]

Mr. Speaker: Whether the proceedings of the Advisory Committees are public and whether the decision taken by the Government thereon is also communicated to the public?

Shri Gopalaswami: The proceedings are communicated to the Government of India and if they take any decision thereon they are communicated to the Chief Commissioner and his Council.

श्री भट्ट : जनता के लिए प्रकाशन होता है या नहीं ?

[**Shri Bhatt:** Are they published for public information or not?]

Mr. Speaker: Are they published for public information?

Shri Gopalaswami: I am not sure whether they are released for public

in the press. Probably not in many cases.

Shri S. N. Das: May I know the names of political organizations which are functioning in Part 'C' States except the Congress?

Shri Gopalaswami: I shall have to get a list of them from the various Chief Commissioners and it would take some time.

PROPERTIES TRANSFERRED BY EX-RULERS OF FORMER INDIAN STATES

*4758. **Shri Dwivedi:** Will the Minister of States be pleased to state:

(a) whether Government have any provision in the budgets of part 'B' or part 'C' States for maintaining and repairing, if needed, from time to time, the buildings, gardens, monuments etc., which were transferred by the former rulers as State properties and which are not in Government use;

(b) if so, what are the sums of money for this purpose in each State Budget;

(c) the work done in the years 1948-49 and 1949-50 in this direction; and

(d) the work likely to be taken up in hand in 1951-52?

The Minister of States, Transport and Railways (Shri Gopalaswami): (a) to (d). The information is not readily available. Its collection through the agency of the Governments of Part 'B' and Part 'C' States will involve a considerable amount of time and labour and cannot be completed in time for giving a detailed answer to the different questions before the end of the current session.

Shri Dwivedi: May I know if it is a fact that several buildings in Vindhya Pradesh and other States which came over to the Government are showing signs of decay for lack of repairs and thus resulting in a great loss to the Government?

Shri Gopalaswami: There are some buildings which are in a state of decay and steps are under contemplation for putting them in good repair.

Shri Dwivedi: Is it a fact that several buildings and gardens belonging to the Government of Vindhya Pradesh were handed over to some Rulers by one of the ex-Ministers of Vindhya Pradesh?

Shri Gopalaswami: I do not know about several, but I certainly remember one case in which a former ministry did hand over a sum of money for a building taken over from the Ruler.

Shri Dwivedi: May I know if the gardens or buildings in these States are rented or leased out and if so, what is the income derived therefrom?

Shri Gopalaswami: I should like to have notice.

श्री एस० एल० वर्मा: क्या माननीय मंत्री बतलायेंगे कि नरेशों की व्यक्तिगत सम्पत्ति के निर्णय के लिए कोई कमेटी बितर्क गई थी या यों ही बिना कमेटी के फैसला हुआ है।

[**Shri M. L. Varma:** Will the hon. Minister please state whether some Committee was appointed for coming to a decision regarding the personal properties of the Princes or the decision has been reached without any such Committee?]

Shri Gopalaswami: The decision is taken after a discussion between the representatives of the States Ministry, the Ruler himself and the Government of the State concerned.

Pandit M. B. Bhargava: What is the criterion adopted by the Government to distinguish the personal property of the Princes from the properties of the State?

Shri Gopalaswami: Broadly speaking, private or personal property of the Ruler means property which belongs to the Ruler for the time being and which is used by the Ruler or members of his family and is maintained out of the privy purse.

Shri Shankaraiya: May I know whether lists were asked to be prepared by the Rulers of the State properties and time was given to the Princes to submit the list and have such properties been taken delivery of? If not, when will the properties be taken over by the Government?

Shri Gopalaswami: This was received from the Rulers. They were scrutinised and a settlement was effected according to the procedure I have already indicated. In most cases I think the Rulers are actually in possession of the properties which have been declared to be their private property.

TELEPHONE ADVISORY COMMITTEE FOR DELHI

*4759. **Shri Deshbandhu Gupta:** Will the Minister of Communications be pleased to state:

(a) whether it is a fact that there has been no meeting of the Telephone

Advisory Committee for Delhi since November 1950 and if so, the reasons therefor;

(b) how many telephone connections recommended by the Telephone Advisory Committee in the last meeting have been installed and how long it will take the Department to instal the remaining; and

(c) whether it is proposed to connect more areas of the City with the Connaught Place Exchange; if not, what steps are being taken to improve the telephone supply position in the City?

The Deputy Minister of Communications (Shri. Raj Bahadur): (a) Yes. The reasons are that (i) no telephone connections are available for allotment in Old Delhi and (ii) the Telephone Advisory Committee at its meeting on the 26th July 1950 had already agreed to connections in New Delhi being given according to the waiting list under exempted categories.

(b) Out of 42 connections allotted and recommended by Telephone Advisory Committee in the last meeting, 41 have been installed. The only remaining connection will be given when the applicant (a displaced person) is able to indicate the premises for the installation.

(c) (i) There are no proposals at present to connect more areas of Delhi to Connaught Place Exchange.

(ii) A 3,500 line exchange is being installed at Tis Hazari.

Shri Deshbandhu Gupta: With reference to part (b) I want to know whether Government are in a position to give more connections now, since all the connections recommended by the Advisory Committee have practically been given.

Shri Raj Bahadur: The exact position is this. So far as the Lothian exchange is concerned out of the 2,000 line capacity 1,852 connections have been given already along with 355 extensions and in regard to the New Delhi Connaught Place Exchange out of 6,500 line capacity 6,100 have been given with 1,099 extensions. It is thus hardly possible to extend the facilities further keeping in view the possibility of an emergency and the urgency of the certain Government demands.

Shri Deshbandhu Gupta: When do Government hope to improve this position?

Shri Raj Bahadur: After the installation of the Tis Hazari Exchange.

श्री द्विवेदी : मैं यह जानना चाहता कि क्या पुरानी दिल्ली में एक नया टेलीफोन एक्सचेंज बनाने की योजना है और अगर है तो वह कब तक तैयार हो जायगा और उस से कितने टेलीफोन लगेंगे ?

[Shri Dwivedi: May I know whether there is any proposal to instal a new Telephone Exchange in Old Delhi and if so, how long will it take to complete it and how many connections will be given?]

श्री राज बहादुर : एक नया एक्सचेंज तीस हजारी में बनाने की योजना है जो स्वीकार हो चुकी है । इस में ३५०० लाइनें होंगी और सम्भवतः सन् १९५२ के अन्त तक यह बनकर तैयार हो जायगा ।

[Shri Raj Bahadur: A scheme for installation of a new Telephone Exchange at Tis Hazari has been approved. It will have 3,500 line capacity and probably it would be completed by the end of 1952.]

श्री द्विवेदी : इस पर कितना खर्च पड़ेगा ?

[Shri Dwivedi: What is the expenditure involved?]

श्री राज बहादुर : इस के बारे में मुझे नोटिस की आवश्यकता होगी ।

[Shri Raj Bahadur: I would require notice for that.]

DELHI-KABUL AIR SERVICE

*4760. Shri Deshbandhu Gupta: Will the Minister of Communications be pleased to state:

(a) whether it is a fact that negotiations are being carried on with an airways company to start a service between Delhi and Kabul, if so, what the name of the Company is and when these negotiations are likely to be finalised;

(b) the route that will be followed from Delhi to Kabul and how long it will take to cover the distance; and

(c) whether there has been any correspondence with the Pakistan Government in this connection and whether they have agreed to the opening of this service?

The Deputy Minister of Communications (Shri Raj Bahadur): (a) Hima-

layan Aviation has applied to Air Transport Licensing Board for such a service. The proposal is under consideration; it is not possible to say when it will be finalized.

(b) The route is not yet decided.

(c) The Pakistan Government has been addressed. The matter is under correspondence.

Shri Deshbandhu Gupta: With reference to part (c) of the question, what is the international practice about these matters? Is it open to a country which enjoys international privileges in another country to refuse the same privileges to that country?

Shri Raj Bahadur: It is not so. The relations between the two countries are governed by an international agreement, known as the International Air Services Agreement. Under this agreement it is incumbent upon the parties to the agreement to follow the terms and conditions therein both in letter and spirit.

BUILDING OF CITY POST OFFICE IN CHANDNI CHOWK

*4761. Shri Deshbandhu Gupta: Will the Minister of Communications be pleased to state:

(a) whether it is a fact that Government propose to build a City Post Office in Chandni Chowk, Delhi, if so, where this will be located; and

(b) whether any suitable site has been secured for the purpose?

The Deputy Minister of Communications (Shri Raj Bahadur): (a) No, but Government is willing to construct a Post Office building in Chandni Chowk if a suitable site could be obtained in the locality.

(b) No.

Shri Deshbandhu Gupta: Is anything being done to secure a suitable site?

Shri Raj Bahadur: The Municipal Committee has been approached but so far they have not been able to comply with our request, in view of the fact that the area around is highly congested.

TOOFAN EXPRESS ACCIDENT

*4762. Shri Sidhva: Will the Minister of Railways be pleased to state:

(a) who was the driver on 320 Down Goods Train on 13th August 1950 when the Toofan Express accident took place;

(b) when he joined service and what has been his record as driver;

(c) whether he was recruited straight on the Cadre of driver, if so, what his previous qualifications were; and

(d) whether he has been censured, if so, when and on what account?

The Minister of State for Transport and Railways (Shri Santhanam): The information is being collected from the Railway Administration and will be laid on the Table of the House in due course.

Shri Sidhva: May I know whether according to the report on the Toofan Express accident which was placed on the Table of the House the driver of the goods train had been punished many a time, that he was a new recruit and that he had not undergone any kind of examination or training? If so, is that correct?

Shri Santhanam: The report was placed on the Table of the House and is available in the Library. So far as the particular information asked for in the question is concerned we are collecting the details from the administration.

Shri Sidhva: The point is that certain strictures had been made by the judge in this report on the evidence given by the Bihar police as regards the driver. I want to know whether the Government have considered this and taken any steps in the matter, in view of the seriousness of the situation.

Shri Santhanam: The entire report is under scrutiny and we are collecting the information from the administration. The Railway Board has not got the details regarding every driver in the country.

Shri Sidhva: Is it a fact that in the report it was stated that the engine was a very old one and because it did not work properly the accident occurred?

Mr. Speaker: Was an interim report made?

Shri Santhanam: No, Sir, it is a judicial report.

Mr. Speaker: I suppose the hon. Member wants to know whether the Government are prepared to accept the judicial findings in respect of this accident.

Shri Sidhva: The judicial report has stated certain defects...

Mr. Speaker: Whatever it may be, I presume he wants to know whether the finding is accepted by Government and if so, what they propose to do about it.

Shri Sidhva: True, Sir, but I understand Government have accepted the findings. If they have, I want to know whether certain discrepancies that were pointed out with regard to the track have been examined?

Mr. Speaker: He may ask what steps Government propose taking now.

Shri Sidhva: Yes, Sir, I would like to know that from the hon. Minister.

Shri Santhanam: Government have accepted the findings, but what the hon. Member wants is that we should again go into some allegations made by the prosecution which, however, have not been accepted by the judge.

Shri Sidhva: That is not correct...

Mr. Speaker: Order, order. Let us go to the next question.

Shri Sidhva: With your permission I want to put another question, Sir. The hon. Minister stated that the judge has not accepted the evidence of the prosecution. Here the judge says...

Mr. Speaker: Order, order. It becomes a matter for argument. What is the exact point on which he wants information?

Shri Sidhva: The point is that the judge has not accepted that the statement of the Bihar police is not correct. If he will see page 14 of the report he will see...

Mr. Speaker: Order, order.

Shri Sidhva: How else should I elicit this information, Sir?

Mr. Speaker: The hon. Member will be pleased to see he is reading the judgment which gives all the findings and the pros and cons—the judgment states everything. The only thing that he can ask by way of seeking information is as to what Government proposes to do, but he is going into the detail of every allegation made—accepted or not accepted, that is an entirely different point. The whole thing was a matter for inquiry and the inquiry which was a judicial one has finished. How can and why should Government enter into the truth or falsehood of statements made during the inquiry? He is entering into an argument. He may if he desires, elicit further information through another question.

Shri Sidhva: All right, Sir, I will give notice for a half-hour discussion.

RAILWAY BOOKING AT MOGHALSARAI

*4763. **Shri Sohan Lal:** Will the Minister of Railways be pleased to state:

(a) how many railway lines meet at Moghalsarai;

(b) how many IInd Class booking-windows there are for all the lines;

(c) what is the average number of passengers who buy their tickets from Moghalsarai; and

(d) how far the public and staff complaint is true that due to lack of different booking-windows for different lines, a large number of passengers do not get their tickets in time and miss their trains?

The Minister of State for Transport and Railways (Shri Santhanam): (a) Presumably the hon. Member desires to know from and to how many directions trains run into and go out of Moghalsarai. This number is four.

(b) Two, one being exclusively for third class passengers for local stations only and the other for all classes including third class for stations on foreign lines.

(c) 1150 per day.

(d) There has been no such complaint in the recent past.

Shri Sohan Lal: Is it a fact that recently many people purchased their third class tickets not from the counter but by going into the booking office, and is it also a fact that if one tips the police constable he gets the tickets very quickly? Do Government propose taking any steps in this matter?

Mr. Speaker: Order, order.

Shri Amolakh Chand: Is it a fact that owing to the paucity of ticket windows in Moghalsarai a large number of travellers have to travel without tickets and have to pay very high penalties and sometimes have even to remain in jail for weeks?

Shri Santhanam: No, sir. I have already said that only 1150 tickets are issued per day. There are two booking windows and each of them can easily handle 600 or 700 tickets.

FOOD ALLOTMENT FOR MADRAS

*4764. **Shri Rathnaswamy:** Will the Minister of Food and Agriculture be pleased to state:

(a) the total quantity of food allotment made in the current year so far for Madras;

(b) what is the total quantity asked for by Madras;

(c) how much of these food allotments was rice alone; and

(d) whether the Centre intends to increase its quota to Madras?

The Minister of Food and Agriculture (Shri K. M. Munshi): (a) Including the quota for June 1951 the total allotments to Madras so far made amount to 269,000 tons.

(b) The Government of Madras has asked for a quota of 10 lakh tons of foodgrains for 1951.

(c) Out of the allotment of 269,000 tons up to the end of June, 61,000 tons is rice.

(d) Madras's quota for 1951 has already been raised from 4 lakh tons to 5 lakhs tons and the question of raising Madras's quota along with those of any other States will be considered in due course.

Shri Rathnaswamy: Is it a fact that the Madras Government asked for more rice out of the foodgrains that were allotted to them?

Shri K. M. Munshi: Yes, I think so.

Shri Rathnaswamy: Is it a fact that the procurement drive has slowed down in Madras State and, if so, for what reason?

Shri K. M. Munshi: I don't think it is correct that the procurement has slowed down.

Shri Rathnaswamy: May I know whether any of the foodgrains that were received by way of gift from certain official and non-official agencies, both within and without India, have been allotted to Madras State?

Shri K. M. Munshi: Those which are intended for Madras necessarily go to Madras. We have not yet got the complete list of unearmarked foodgrains.

Shri Rathnaswamy: I only wanted to know in what proportion Government propose to divide these gifts?

Shri K. M. Munshi: There is no proportion fixed. When they are earmarked for Bihar they go to Bihar, when they are earmarked for Madras they go to Madras, but when they are given to the general fund then it will be a question of dividing according to the needs of each place. That question has not arisen.

Shri Kesava Rao: May I know whether it is a fact that the Madras Government has asked the Centre to treat the Madras State on par with

Bihar because they fear that famine is setting in there?

Shri K. M. Munshi: No such official request has been made. I only read a report of the speech of the hon. Chief Minister of Madras. But as I said, it is not a question of competition as to who is starving most—whatever is needed will be given.

Shri Kesava Rao: May I know whether it is a fact that certain districts like Coimbatore are almost suffering for want of food?

Shri K. M. Munshi: I don't think so.

Shri Rathnaswamy: Is it a fact that an important official of the Centre has in his report pointed out that districts like Ramnad are the worst affected in Madras State and that consequently a large number of people are migrating from those districts to other districts?

Shri K. M. Munshi: Any report made by an officer of the Ministry to the Minister or the Ministry is a confidential document, but that does not mean that the fact stated by my hon. friend is correct.

Dr. V. Subramaniam: Have any areas been declared as famine areas in Madras State?

Shri K. M. Munshi: No district or area in any part of the country has been declared as famine area.

Shri C. Subramaniam: The hon. Minister said he did not think there was famine in Coimbatore district. Is that statement based on any report or is he merely guessing?

Shri K. M. Munshi: As a matter of fact, the policy adopted by all the State Governments with the concurrence of the Centre is that wherever there is need fairprice shops are opened. There are already thousands of fair-price shops in Madras.

Shri C. Subramaniam: The question was whether there were famine conditions prevalent in Coimbatore district in Madras State.

Shri K. M. Munshi: As I have already stated famine conditions are not prevailing there.

RAILWAY SERVANTS KILLED ON DUTY DURING PARTITION.

*4765. **Shri Rathnaswamy:** Will the Minister of Railways be pleased to state:

(a) whether it is a fact that dependants/widows of deceased Rail-

way servants killed on duty at the time of Partition who have been settled in India after Partition have not been given their dues (Compensation, gratuity, P. I. Fund etc.) so far on the plea that Government have failed to get their option forms from Pakistan; and

(b) if the answer to part (a) above be in the affirmative, what action the Ministry of Railways propose to take to give relief to the dependants/widows of the deceased railway servants?

The Minister of State for Transport and Railways (Shri Santhanam): (a) There are some cases still pending due to failure to get the option forms from Pakistan.

(b) Every endeavour has been made by deputing special staff to get the original option from the N. W. Railway. Although the N. W. Railway has certified that the employees concerned opted for India, the original forms have not been made available. Original option forms are considered indispensable to determine India's liability to pay in these cases. However each case is being separately examined on its merits and *ad hoc* decisions will be taken shortly on each case.

Shri Rathnaswamy: May I know the total number of men on duty who were killed during the time of partition?

Shri Santhanam: It has been reported by the East Punjab Railway that there are 15 provident fund and 18 gratuity cases, that is a total of 33, pending with them for payment to the dependants or widows of employees who died before 15th August 1947 or after migration from Pakistan before joining any post in India, due to non-receipt of the option forms of these employees.

Shri Rathnaswamy: May I know whether any interim relief has been given to the dependents of these deceased railway servants?

Shri Santhanam: It is a question of liability—of whether the liability belongs to the Pakistan Government or the Indian Government. As I have already stated, each case is being examined separately and *ad hoc* decision will be taken in each case.

Shri Rathnaswamy: What is the proportion in which the Indian Government has agreed to bear the liabilities?

Shri Santhanam: If the liability is that of the Pakistan Government that Government has to pay the whole amount; if it is that of the India Government we have to pay in full.

WRITTEN ANSWERS TO QUESTIONS

MISAPPROPRIATION OF CEMENT

*4766. **Shri Kamath:** Will the Minister of Railways be pleased to state:

(a) whether the Railway Board has been apprised of a case of misappropriation of about 250 bags of cement and other valuable workshop materials by an official of the Railway at Khargpur, B. N. Railway; and

(b) if so, whether an inquiry or investigation has been held into the matter and if so, with what result?

The Minister of State for Transport and Railways (Shri Santhanam): (a) No report of such a case has been received and the B. N. Railway Administration have no information of such a case having occurred.

(b) Does not arise.

PASSENGER FARES ON RAILWAYS

*4767. **Shri Kamath:** Will the Minister of Railways be pleased to state:

(a) whether any representation or complaints have been received from organizations or individuals against the System, recently introduced on the Indian Railway, of "Rounding off charges in Passenger fares"; and

(b) if so, whether the matter has been considered, and with what result?

The Minister of State for Transport and Railways (Shri Santhanam): (a) and (b). Attention of the hon. Member is invited to my reply to parts (c) and (d) of Starred Question No. 4404 asked by Thakur Lal Singh on 22nd May, 1951.

SUBSTITUTES FOR JUTE

*4768. **Shri B. K. Das:** Will the Minister of Food and Agriculture be pleased to state:

(a) what fibres have so far been found useful as substitutes for jute;

(b) which of these are extensively cultivated in the country; and

(c) which have been brought to industrial use?

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The Minister of Food and Agriculture (Shri K. M. Munshi): (a) Mesta (*Hibiscus Canabinas*), Roselle (*Hibiscus Sabdariffa*) and Linseed fibres have, so far, been found to be suitable substitutes for jute, and can be used in admixture therewith in the jute mills.

(b) Mesta and Linseed are being cultivated, to some extent. Efforts are being made for increasing the cultivation of mesta.

(c) Mesta is being used in admixture with jute, and also for the manufacture of ropes, cordage etc. Owing to the difficulty of extracting its fibre, and collection linseed is not yet being put to industrial use.

ASSAM RAILWAY (EXTENSION)

*4769. **Shri G. S. Guha:** Will the Minister of Railways be pleased to state:

(a) whether it is proposed to extend the Assam Railway to Dharmanagar town in Tripura State; and

(b) if so, when is the project likely to be taken up?

The Minister of State for Transport and Railways (Shri Santhanam): (a) Traffic and Engineering surveys for the extension of the railway line from Patharkandi to Dharmanagar have been completed and the reports are under examination. The project has yet to be considered by the Central Board of Transport.

(b) The Government are not in a position to state at present if and when the project is likely to be taken up.

IMPROVED METHODS OF CATCHING FISH

*4770. **Shri Kesava Rao:** Will the Minister of Food and Agriculture be pleased to state:

(a) the improved methods of catching fish introduced in the coastal areas;

(b) whether Government have been able to popularise the catching of fish by trawlers; and

(c) what is the average fish that can be caught by a trawler in a day?

The Minister of Food and Agriculture (Shri K. M. Munshi): (a) With a view to demonstrate the technique of deep sea fishing by trawling and other modern methods, Government of India have established a Pilot Deep Sea Fishing Station at Bombay. The two Dutch trawlers M.T. 'Ashok' and M.T. 'Pratap' stationed there, go out into the sea for fishing in deep waters and surveying and charting of fishing grounds.

etc. In addition, two smaller boats, M.F.V. 'Bumili' and M.F.V. 'Champa' carry on surface and mid-water fishing in coastal and off-shore waters with different kinds of nets and gear.

(b) The operations started at Bombay are still in their experimental stage.

(c) The average catch of a trawler per day of fishing varies greatly according to the amount of fish available, size of the trawler, the gear used and many other factors. The average catch of fish by the trawlers of the Pilot Deep Sea Fishing Station, Bombay has amounted to 21 maunds per day of absence from Port.

AIR MAIL PARCEL SERVICE BETWEEN INDIA AND CEYLON

*4771. Dr. Ram Subhag Singh: Will the Minister of Communications be pleased to state:

(a) whether any air mail parcel service exists between India and Ceylon; and

(b) if so, for how long it has been in existence?

The Deputy Minister of Communications (Shri Raj Bahadur): (a) and (b). No orders are being issued introducing an air parcel service from India to Ceylon.

BARASET-BASIRHAT LIGHT RAILWAY

*4772. Dr. M. M. Das: Will the Minister of Railways be pleased to state:

(a) whether it is a fact that the State Government of West Bengal has approached the Union Government for permission to take over the administrations of the Baraset-Basirhat Light Railway and run it themselves as a public utility concern;

(b) whether it is a fact that an Ordinance empowering the State Government to take over the Railway is contemplated to be promulgated very soon; and

(c) if so, the reasons on the part of the Union Government for not taking over the Railway and run it themselves?

The Minister of State for Transport and Railways (Shri Santhanam): (a) and (c). The entire question of the future management of the Baraset-Basirhat Light Railway is under consideration of the Government of West Bengal who are naturally acting in close consultation with the Government of India and a final decision is likely to be taken shortly.

ADVERTISEMENTS ON RAILWAY TICKETS

*4773. Shri S. N. Das: Will the Minister of Railways be pleased to state:

(a) whether Government have decided to use passenger and platform tickets as the medium of short advertisements;

(b) if so, when this decision was taken;

(c) which of the Railways have begun publishing advertisements; and

(d) whether any standard rate has been fixed for all the railways?

The Minister of State for Transport and Railways (Shri Santhanam): (a) No decision for printing advertisement on the reverse of passenger and platform tickets has been taken so far. Certain Railways were, however, asked in August 1950 to try this out as an experimental measure and report the results achieved after a year.

(b) Does not arise.

(c) None so far. On the B. N. Railway trial advertisements accepted are now under print.

(d) Does not arise.

PEOPLE'S DIET (IMPROVEMENT)

*4774. Master Nand Lal: Will the Minister of Food and Agriculture be pleased to state what steps have been taken by the Nutrition Section of his Ministry during the last one year for improving the diet of poor people in part C States?

The Minister of Food and Agriculture (Shri K. M. Munshi): The function of the Nutrition Section in the Ministry of Food and Agriculture is to disseminate knowledge in regard to balanced diets which is likely to be useful to people during periods of scarcity. Technical research relating to diet and nutrition survey is carried out by the Indian Council of Medical Research. The Nutrition Section arranged broadcast talks on nutrition during the last year and arranged exhibition of models and posters in health Exhibitions held at different places during the years. Demonstrations of preparation of non-cereal foods were also given. This Section also gives advice to State Governments in questions relating to balanced diets and popularisation of supplementary foods in a number of States (Madras, Bombay, Hyderabad, U.P. and Bihar). Nutrition Advisory Committees have been formed by State Governments for the purpose of surveying and improving local diets. The

activities of the Section indicated above apply to all States of the Indian Union.

COMPENSATION TO OWNERS OF DELHI TRAMWAYS

*4775. **Shri Kishorimohan Tripathi:**

(a) Will the Minister of Transport be pleased to state the total amount of compensation paid or proposed to be paid to the owners of Delhi Tramways as a result of its being taken over by Government?

(b) Who were the persons appointed on behalf of each of the two parties to determine the compensation?

The Minister of State for Transport and Railways (Shri Santhanam):

(a) and (b). The Delhi Tramways were transferred from the Delhi Central Electric Power Authority Ltd., an organisation solely financed by the Government of India, to the Delhi Road Transport Authority whose entire capital also has been provided by Government. The question of payment of compensation does not, therefore, arise. The valuation of the assets transferred will be made by the Accountant General, Central Revenues, after the accounts for the year 1950-51 are closed. The approximate value of the assets is Rs. 9 lakhs.

IMPORT OF FOOD GRAINS (COST)

*4776. **Shri Sidhva:** Will the Minister of Food and Agriculture be pleased to state:

(a) the total amount paid for the purchase of foodgrains imported from foreign countries during 1950;

(b) how much of this is likely to be realised through sale;

(c) what is the likely loss to be sustained; and

(d) what is the total freight and other expenses on these imported foodgrains?

The Minister of Food and Agriculture (Shri K. M. Munshi): (a) The total quantity of foodgrains imported from overseas during 1950 was 21.25 lac tons of the C. and F. value of Rs. 80-60 crores.

(b) and (c). The entire sum is likely to be realised by the sale of the grain to various State Governments except the Centre's share of subsidy which is estimated at Rs. 15.84 crores.

(d) Approximately 17 crores.

POWER ALCOHOL IN PETROL

*4778. **Shri Sanjivayya:** Will the Minister of Transport be pleased to state:

(a) whether the use of power alcohol with petrol in any way affects the engines of Motor Vehicles; and

(b) if so, what steps are Government taking to get over this difficulty?

The Minister of State for Transport and Railways (Shri Santhanam): (a) No. The mixture of power alcohol and petrol is as good as neat petrol and has no adverse effect on engines of motor vehicles.

(b) Does not arise.

INTERNATIONAL CONVENTION ON ROAD AND MOTOR TRANSPORT

*4779. **Shri P. Basi Reddi:** Will the Minister of Transport be pleased to state:

(a) the number of countries that participated in the International Conference held at Geneva in 1949, where a new International Convention on road and motor transport was concluded;

(b) the countries that have so far ratified the convention;

(c) whether the convention has been ratified by Government of India; and

(d) what are the main obligations of a ratifying country under the convention?

The Minister of State for Transport and Railways (Shri Santhanam): (a) Delegations from 28 countries and observers from 6 participated in the Conference.

(b) According to the information available, 3 countries, viz., the U.S.A., France and Czechoslovakia, have ratified the Convention.

(c) Not yet.

(d) The obligations of a ratifying country are fully stated in the Convention copies of which are available in the Library of the House. It is not easy to summarise them in answer to a question.

TELEPHONES

365. **Shri Raj Kanwar:** Will the Minister of Communications be pleased to state:

(a) the total number of telephones, State-wise, installed and in operation in India on the latest date for which figures are available;

(b) how many of these were installed in each of the last three years; and

(c) the cost of a single telephone apparatus?

The Deputy Minister of Communications (Shri Raj Bahadur): (a) A statement is laid on the Table of the House. [See Appendix XXVIII, annexure No. 3].

(b) Number of direct telephone connections installed were:

1948-49	...	1,215.
1949-50	...	11,365.
1950-51	...	15,699.

(c) Rs. 108 per instrument ex stock at Bangalore exclusive of Sales Tax.

Taccavi, LOAN TO VINDHYA PRADESH AND BHOPAL

366. Shri Dwivedi: Will the Minister of Food and Agriculture be pleased to state:

(a) the sums of money sanctioned for (i) taccavi for purchase of tractors or otherwise, (ii) loan for purchase of tractors or otherwise, (iii) land reclamation by the Central Tractor Organisation, (iv) grow more food campaign, (v) grow more trees campaign, (vi) fertilizers, (vii) improved seed distribution in the states of Vindhya Pradesh and Bhopal separately for the year 1951-52;

(b) if out of the sums of money sanctioned for the purposes mentioned in part (a) for the preceding year, the amount which had to be surrendered to the Government of India because of non-utilisation is likely to be given in addition to this year's estimated amount; and

(c) whether Government have come to any decision with regard to the type of tractor to be purchased by recipients of taccavi or loan for this purpose?

The Minister of Food and Agriculture (Shri K. M. Munshi): (a) A sum of Rs. 5,15,000 has been sanctioned as an advance for the distribution of seeds and fertiliser mixture in Vindhya Pradesh. The remaining schemes of Vindhya Pradesh and the Grow More Food programme of Bhopal are under consideration.

(b) No.

(c) The decision is left to the State Governments in the light of the results of their own investigations regarding makes of tractors having the best service facilities and suitable to their local conditions.

ROAD TRANSPORT IN PART C STATES (NATIONALISATION)

367. Shri Amolakh Chand: Will the Minister of Transport be pleased to state:

(a) whether the Government have nationalised the road transport in Part C States or not;

(b) if the answer to part (a) above be in the affirmative, will the hon. Minister please state (i) the roads nationalised State-wise, (ii) the number of State buses plying on hire for passenger and goods traffic in every State, (iii) the rate of fare per mile for each class, and (iv) the number of passengers in the last two years; and

(c) whether the transport service is running on profit or loss, the amount of net profit or loss and the total amount invested upto date?

The Minister of State for Transport and Railways (Shri Santhanam): (a) to (c). The attention of the hon. Member is invited to the replies given to starred questions No. 1674 and No. 2677 asked by Pandit M. B. Bhargava and Shri Raj Kanwar on the 23rd February and 30th March, 1951, respectively. A statement giving the rest of the information asked for is laid on the Table of the House. [See Appendix XXVIII, annexure No. 10.]

पशुओं के लिए औषधियां तथा कृत्रिम गर्भाधान

३६८. श्री खापड़े : क्या साक्ष तथा मंत्री मंत्री यह बतलाने की कृपा करेंगे :

(ए) पशु चिकित्सा अनुसन्धानशाला द्वारा पशुओं को विभिन्न रोगों से बचाने के लिए कुल कितनी नई औषधियों को खोज निकाला गया है तथा उन पशुओं की संख्या क्या है जिन पर इन औषधियों का वास्तविक रूप से प्रयोग किया गया ; तथा

(बी) तथाकथित अनुसन्धानशाला द्वारा कितने प्रकार के पशुओं पर कृत्रिम गर्भाधान सम्बन्धी प्रयोग किये गये, तथा इन में से कितने प्रयोग सफल हुए ?

MEDICINES FOR AND ARTIFICIAL INSEMINATION OF CATTLE

[368. Shri Khaparde: Will the Minister of Food and Agriculture be pleased to state:

(a) the total number of new medicines discovered by the Veterinary Research Institute to protect the

cattle against various diseases and the number of cattle on which these medicines were actually tried; and

(b) the kinds of cattle on which experiments regarding artificial insemination were conducted by the said Institute and how many of these experiments proved successful?]

The Minister of Food and Agriculture (Shri K. M. Munshi): (a) The following twelve biological products have been evolved and are manufactured at the Indian Veterinary Research Institute to protect the cattle against various contagious diseases:

- (i) Anti-Rinderpest Serum,
- (ii) Anti-Haemorrhagic Septicaemia Serum,
- (iii) Anti-Anthrax Serum,
- (iv) Anti-Black-Quarter Serum,
- (v) Haemorrhagic Septicaemia Vaccine,
- (vi) Black-Quarter Vaccine,
- (vii) Brucella Abortus Cotton Strain 19 Vaccine.
- (viii) Mixed Streptococcic Vaccine,
- (ix) Rinderpest Goat blood and tissue Virus,
- (x) Anthrax Spore Vaccine,
- (xi) Rinderpest bull blood and spleen virus, and
- (xii) Standard Brucella Abortus Antigen.

The exact number of cattle treated with these prophylactic medicines is not available; but it is estimated about 4.5 million doses are issued annually for use in various States.

(b) Experiments have been made on all the domesticated animals like cows, buffaloes, sheep, goats and poultry at the Institute and about 60 to 75 per cent. of these experiments are reported to have been successful.

मत्स्य अनुसन्धान केन्द्र

१६९. श्री खापर्डे : क्या साब तथा कृषि मंत्री यह बतलाने की कृपा करेंगे :

(ए.) इस समय भारत में कितने मत्स्य अनुसन्धान केन्द्र हैं तथा उन्होंने वर्ष १९५० तक तथा अब तक १९५१ तक कितनी प्रगती की तथा इन केन्द्रों के नाम क्या हैं ;

(बी) सरकार द्वारा उन केन्द्रों को कितनी आर्थिक सहायता दी जाती है तथा उस आर्थिक सहायता के फलस्वरूप मत्स्य उत्पादन में वृद्धि करने के लिए कौन कौन से नये उपाय खोज निकाले गये हैं; तथा

(सी) वर्ष १९५० में कुल कितने टन मत्स्य पकड़ी गई तथा इस समय पकड़ी गई मत्स्यों का मासिक औसत क्या है ?

FISHING RESEARCH CENTRES

[369. **Shri Khaparde:** Will the Minister of Food and Agriculture be pleased to state:

(a) the number of Fishing Research Centres which are being run in India at present, the progress made by them in the year 1950 as also upto the month of April 1951 and also the names of these centres;

(b) the financial aid given by the Government to these centres and the new methods introduced as a result of that aid towards the increasing of fish production; and

(c) the total catch of fish in tons in the year 1950 and the monthly average of the catch at present?]

The Minister of Food and Agriculture (Shri K. M. Munshi): (a) There are three Fisheries Research Stations viz. (i) Central Inland Fisheries Research Station at Barrackpore, (ii) Central Marine Fisheries Research Station at Mandapam, South India and (iii) Pilot Deep Sea Fishing Station, Bombay, maintained by the Government of India.

The first two stations carry on investigations on biological, hydrological, statistical and other problems relating to Inland and Marine fish and fisheries respectively and the Deep Sea Fishing Station, Bombay, conducts exploratory work in respect of charting of fishing grounds and collects other valuable data necessary for commercial fishing around the coast of Bombay. In addition, the Inland Fisheries Research Station at Barrackpore trains students both private and State-sponsored, in Inland Fisheries.

A note showing the progress of work carried out by these Stations during 1950-51 is placed on the Table of the House. [See Appendix XXVIII, annexure No. 11.]

(b) These Stations are wholly financed and run by the Government of India.

The new methods introduced for increasing fish production are (i) supply of fry and fingerlings by the Central Inland Fisheries Research Station, Barrackpore, to the deficit areas and (ii) effecting reduction in the mortality of fish fry and fingerlings and (iii) trying out different kinds of modern methods of fishing in deep-sea waters.

(c) The total catch of fish brought in by the fishing vessels of the Pilot Deep Sea Fishing Station, Bombay, during the financial year 1950-51 was more than 5582 maunds. This figure does not include some catches from January to March, 1951.

The monthly average catch of fish per month works out to 665 maunds—23 seers per each trawler.

'OWN YOUR TELEPHONE' SCHEME

370. Shri S. C. Samanta: Will the Minister of Communications be pleased to state:

(a) the names of places where 'Own Your Telephone' scheme has been extended since January 1951;

(b) the number of applicants for telephones in those places;

(c) how many have been supplied with telephones; and

(d) how has the sum received for 'Own Your Telephone' scheme since its inception been spent?

The Deputy Minister of Communications (Shri Raj Bahadur): (a) Indore (on 1st February 1951), Dhukeri (on 15th February 1951).

(b) Indore 67 (upto 25th May 1951). Dhubri 28 (upto 25th May 1951).

(c) Indore 63 (upto 25th May 1951). Dhubri nil (upto 25th May 1951) (Exchange under installation)

(d) A statement is laid on the Table of the House. [See Appendix XXVIII. annexure No. 12.]

PISCICULTURE

371. Shri S. C. Samanta: Will the Minister of Food and Agriculture be pleased to state:

(a) the amounts of special grants that have been given to different States for the improvement of pisciculture in India since 1947 (year- and State-wise);

(b) whether any private enterprise has received grants or loans from Central Governments since 1947;

(c) if the answer to part (b) above be in the affirmative, the names of

those private enterprises with the amount they received; and

(d) whether Government have taken any survey of the amount of fish grown according to 'grow more fish' scheme?

The Minister of Food and Agriculture (Shri K. M. Munshi): (a) A statement giving the required information is placed on the table of the House. [See appendix XXVIII, annexure No. 13.]

(b) and (c). The Government of India do not give grant or loan to private enterprises. They give financial assistance only to State Governments for their schemes for the improvement of pisciculture. Under these schemes it is open to State Governments to give help to private enterprises in the supplies of fingerlings, fish, seed, indigenous fishing craft, tackle, salt etc. at concessional rates. The names of such private concerns are not, therefore, known to the Government of India.

(d) The reports received from the States are not complete, but they indicate that the additional quantity of fish raised is over 4 lakh maunds.

ASSAM RAIL LINK

372. Shri G. S. Guha: Will the Minister of Railways be pleased to state:

(a) how many (i) goods and (ii) passenger trains leave Calcutta daily for Assam by the Assam Link; and how many of those trains leave Gauhati for Calcutta by the same route;

(b) the average number of passengers of the various classes per day by the Assam Link, and the corresponding number of passengers via Eastern Bengal before the Assam Link was opened for passenger traffic class by class;

(c) whether the amount of goods carried by the Assam Link has been increasing in both directions; and

(d) what proportion of the total goods traffic to Assam from Calcutta is carried by that railway; and what proportion of tea from Assam is carried to Calcutta by the Assam Link?

The Minister of State for Transport and Railways (Shri Santhanam): (a) Calcutta being served by the broad gauge and Assam by the Metre Gauge, there cannot be any direct train service between the two areas. Through service is, however, provided by transshipment and by ferry across the river

Ganga in respect of which the position is as follows:

- (i) About 35 metre gauge wagons a day move over the Assam Rail Link each way daily with traffic between Calcutta area and Assam, although there is no regular specified daily goods train service confined to traffic moving between Calcutta area and Assam.
- (ii) Two passenger train services connected by passenger river steamer service between Sakrigali and Manihari Ghats are provided each way between Sealdah and Amingaon, which maintain suitable connections with the river steamer service between Amingaon and Pandu and connecting trains to and from Gauhati.

(b) Presumably the information is required regarding the daily average number of passengers who travelled between Assam and Calcutta. The average daily number of passengers who travelled from Calcutta area to Fakiragram and stations beyond, including those on Golakganj-Dhubri Branch, on Assam Railway and vice versa during the month of April, 1949, via the Eastern Bengal Railway, and April 1950 via the Assam Rail Link is as follows:

	1st Class	2nd Class
	Class I	Class 2 (8)
From Calcutta 1949	8	8
1950	1	1
To Calcutta 1949	5	7
1950	1	2
	Inter Class	III Class
	Cl. II Ordy.	Class III
From Calcutta 1949	83	100
1950	8	62
To Calcutta 1949	3	330
1950	10	188

(c) Subject to seasonal and other fluctuations the movement of traffic over the Assam Rail Link has increased appreciably compared with the time when the Assam Rail Link route was opened.

(d) It is not possible to make a reasonably correct estimate.

SAMUGGLING OF FOOD FROM BIHAR

373. Dr. Ram Subhag Singh: Will the Minister of Food and Agriculture be pleased to state:

(a) whether some cases of smuggling food from Bihar to Uttar Pradesh have been detected in recent months;

(b) if so, what is the number of such cases; and

(c) how many persons have been convicted and sentenced on charges of smuggling food?

The Minister of Food and Agriculture (Shri K. M. Munshi): (a) Yes Sir.

(b) According to the report received from the Government of Bihar 232 cases of smuggling were detected in Bihar, while one case was detected in Ghazipur District of U.P.

(c) 332 persons have been prosecuted in Bihar. The actual number of convictions is not available. 6 persons were caught in U.P. but no prosecution was launched against them. The smuggled grain was however disposed of at control rates in drought affected areas.

CROP FIELDS

374. Dr. Ram Subhag Singh: Will the Minister of Food and Agriculture be pleased to state:

(a) whether it is a fact that the Ministry of Food and Agriculture has prepared a plan for raising crop yields; and

(b) if so, what are the chief features of that plan?

The Minister of Food and Agriculture (Shri K. M. Munshi): (a) and (b). The Integrated Production Plan, details of which are given in the pamphlet laid on the Table of the House on the 10th August 1950 in reply to Question No. 90 (Unstarred) put down by Shri R. K. Sidhva and also in the note on the Grow More Food Programme circulated by me in the Parliament on the 7th April last contemplates increasing the yield per acre of crops in selected blocks through intensive cultivation measures. The main features of the plan are the use of improved seeds, preservation and application of farmyard manure, application of rural and urban compost, and chemical fertilisers such as sulphate of ammonia and superphosphate and extension of irrigation facilities.

IMPORT OF FOOD GRAINS

375. Dr. M. M. Das: Will the Minister of Food and Agriculture be pleased to state:

(a) the number of ships carrying food grains to India arriving at the

Indian ports every month during the last five months of the current calendar year;

(b) the quantities of food grains imported every month into India during the last five months and the countries from which they have been imported; and

(c) the cost of the food grains imported per month and their respective freight charges?

The Minister of Food and Agriculture (Shri K. M. Munshi): (a) The number of ships which arrived at Indian ports from January 1951 to May 1951 were as under:

Month	Number of Steamers Arrived
January 1951	... 40
February 1951	... 38
March 1951	... 61
April 1951	... 50
May 1951 (upto 20th)	... 32
Total	... 221*

*Excludes one steamer completely lost en route to India.

(b) A statement is attached showing quantities of foodgrains received from each country during each of the months January—May 1951 (upto 20th May). [See Appendix XXVIII, annexure No. 14.]

(c) The approximate cost of foodgrains imported from January 1951 to May 1951 and the freight charges were as under:

Month.	Cost	Freight
	(In crores)	(In crores)
January 1951	6.65	1.22
February 1951	8.28	1.05
March 1951	14.28	2.54
April 1951	10.76	2.36
May 1951	8.06	1.77
Total	49.03*	8.84*

*Includes cost and freight for the quantity carried by a steamer which was lost en route to India.

DELHI TRANSPORT AUTHORITY

377. Shri Kishorimohan Tripathi: Will the Minister of Transport be pleased to state:

(a) the cost of administration including establishment charges for the Delhi Transport Authority year by year after Government took over from G. N. I. T.;

(b) what was the same cost under the G. N. I. T. during the three years preceding the taking over; and

(c) what were the net annual incomes during each of the three years preceding and following the taking over?

The Minister of State for Transport and Railways (Shri Santhanam): (a) and (c). A statement giving the information required is placed on the Table of the House. [See Appendix XXVIII, annexure No. 15.]

(b) The required information is not available with Government.

FANS IN THIRD CLASS COACHES

378. Maulvi Wajed Ali: Will the Minister of Railways be pleased to state:

(a) the number of third class coaches at present in Assam Railway;

(b) the number of third class coaches already fitted with fans in Assam Railway including Assam Railway Link Line; and

(c) the number of third class coaches to be fitted with fans in the said railway during the present financial year?

The Minister of State for Transport and Railways (Shri Santhanam): (a) to (c). There are 1337 coaches having third class accommodation on the Assam Railway, of these 48 have already been fitted with fans and 33 more are expected to be fitted during the financial year 1951-52.

CONSTRUCTION OF TUBE WELLS

379. Shri Sanjivayya: Will the Minister of Food and Agriculture be pleased to state:

(a) whether the work under the scheme of constructing 1000 tubewells in Bihar, Punjab and U.P., has started;

(b) whether the Government of India has to incur any expenditure on this account; and

(c) whether similar schemes are under contemplation in other States?

The Minister of Food and Agriculture (Shri K. M. Munshi): (a) Yes; the actual number of tubewells to be constructed is 965 of which 440 will be in U.P., 300 in Bihar and 225 in the Punjab (India).

(b) No; but the Government of India have agreed to advance loans to the State Governments to the extent mutually agreed upon.

(c) The Government of Bombay have submitted a scheme for construction of tube wells for the approval of the Government of India.

DEMURRAGE PAID TO N.W. RAILWAY (PAKISTAN)

380. Shri Sidhva: Will the Minister of Railways be pleased to state: •

(a) the total amounts paid to N. W. Railway (Pakistan) as demurrage, deficiencies and penalties charged on inter-changed goods stock (at border Attari) during 1948, 1949, 1950 and up to date;

(b) total number of wagons inter-changed; and

(c) what is the average debit per wagon so inter-changed?

The Minister of State for Transport and Railways (Shri Santhanam): (a) The total amounts paid to the N. W. Railway and the debits still under verification on account of damages, deficiencies and penalties charged on inter-changed goods stock are given below:

Period	Amounts paid		
	Penalty charges	Damages and deficiencies	Total Rs.
1947-48 (15.8.47 to 31.3.48)	2,329	8,259	10,588
1948-49	..	..	..
1949-50	..	..	..
1950-51	..	..	..
April 51	..	..	..
G. Total	2,329	8,259	10,588

Period	Debits under verification		
	Penalty charges	Damages and deficiencies	Total Rs.
1947-48 (15.8.47 to 31.3.48)	1,02,020	198,870	3,00,890
1948-49	1,98,854	317,990	5,16,844
1949-50	70,992	153,365	2,24,357
1950-51	7,586	54,279	61,865
April 51	..	53,711	53,711
G. Total	2,79,452	775,215	11,57,667

(b) The total number of wagons inter-changed by E. P. Railway at Attari in each year is given below:—

1947-48 (15.8.47 to 31.3.48)	12665
1948-49	20385
1949-50	13285
1950-51	2613
April 1951	2395

(c) The average debit per wagon so inter-changed is as under:—

1947-48 (15.8.47 to 31.3.48)	Rs. 24 9 0
1948-49	.. 25 6 0
1949-50	.. 16 14 0
1950-51	.. 23 10 0
April 1951	.. 20 11 0

PLANE ACCIDENT NEAR PATHANKOT

381. Shri Sidhva: Will the Minister of Communications be pleased to state:

(a) whether the recommendations made by the Court of Enquiry on the accident to Dakota near Pathankot on 17th July 1950 have been accepted;

(b) if so, whether the recommendation that the training of airline pilots be placed on a sound footing and that the modern institutions for the purpose be set up by Government has been considered; and

(c) when Government intend to start such institutions?

The Deputy Minister of Communications (Shri Raj Bahadur): (a) to (c). The recommendations are being examined.

COMMERCIAL AND AIRLINE PILOTS

382. Shri Sidhva: Will the Minister of Communications be pleased to state:

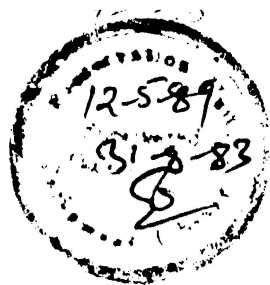
(a) whether any machinery to check the competency and skill of commercial airline pilots has been set up;

(b) if so, in what respect and since when; and

(c) whether the organisation for the investigation of aircraft accidents and for initiating research into their causes has been strengthened?

The Deputy Minister of Communications (Shri Raj Bahadur): (a) to (c). As stated in reply to the hon. Member's question No. 381, these recommendations of the Court of Enquiry into the aircraft accident near Pathankote on the 17th July, 1950 are being examined.

Friday, 1st June, 1951



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PARLIAMENT OF INDIA

Friday, 1st June, 1951

*The House met at Half Past Eight
of the Clock.*

[MR. SPEAKER in the Chair]

QUESTIONS AND ANSWERS

(See Part I)

9-30 A.M.

**DEATH OF SHRIMATI PURNIMA
BANERJEE**

Mr. Speaker: Before we proceed further, I have to inform the House of the sad and premature demise of Shrimati Purnima Banerjee who died in the Ramsay Hospital, Naini Tal, on the 31st May, 1951.

She was forty-one years of age and was one of the foremost women workers in social and political fields in Uttar Pradesh. She was elected to U.P. Legislative Assembly in 1946 and was a Member of the Constituent Assembly.

I am sure the House will join with me in conveying our condolences to her family. The House may stand in silence for a minute and express its sorrow.

**CONSTITUTION (FIRST AMEND-
MENT) BILL.—Contd.**

Mr. Speaker: Now the House will proceed with the clause by clause consideration of the Bill to amend the Constitution of India.

In this respect I had informed the House yesterday of the procedure which I want to follow as also the time-table for it. I may again repeat that this Bill has been dealt with

thread-bare on three different occasions—once at the first stage when the Bill was referred to the Select Committee, then in the Select Committee which consisted of different elements taking different views over this Bill and which sat for a sufficiently long number of hours and again we spent three days for the consideration motion. Now we are coming to the clause by clause consideration.

Here the scope for discussion is strictly limited, though, of course, the matter lends itself to long arguments within the scope of a particular clause. Therefore, I would request hon. Members, who wish to speak on the clauses, not to try to cover the ground already covered and use this opportunity as a further occasion for speaking on the entire Bill. The time-table which I propose is as follows:

The idea is to divide the Bill into two parts. Some of the clauses are important on which there has been an amount of discussion and now Members will naturally apply their minds to the wording of those clauses which it is perfectly competent for them to improve by suitable amendments. The other clauses are more or less of a formal character which will not require, I believe, any discussion at all, or only very small or little discussion.

Now the clauses which, to my mind, appear to be important are: clause 2 dealing with article 15; clause 3 dealing with article 19 of the Constitution; clauses 4 and 5 which seek to include new articles 31A and 31B, which are allied clauses—the Schedule which is given in clause 14 goes with these two articles. That is the most important part of the present Bill. The other articles, as I was saying, are purely more or less of a formal, and I believe, of a non-controversial character. There is one which I perhaps missed to mention and that is clause 13 relating to article 376. Some brief discussion may be possible on that. Therefore, I wish to allot time as follows:

[Mr. Speaker]

I am proceeding on the basis of the understanding that we sit for two days. That was the understanding on the basis of which one further day was allotted for the general discussion. I propose to allot, on the basis of six and a half hours of sitting, one hour to clause 2, two hours to clause 3, the most contentious clause relating to article 19, and one and a half hours for clauses 4 and 5 along with clause 14 relating to the Schedule which is a part practically of clauses 4 and 5.

Then I allot some time, say about half an hour at the most for clause 13 relating to article 376 and about half an hour just to adjust between the boundaries of one discussion to go into another and so on.

Then we have to reserve a substantial time for the voting. I had stated yesterday the way in which I propose to put the amendments and certain arguments were urged in respect of that by the hon. the Leader of the House and the hon. the Home Minister. I then stated that I agreed with them in substance, but my idea was to proceed by way of extra caution. I have considered the matter again and I think the chances of anything being challenged are so small that I need not be so over-cautious about it. Therefore all amendments that come before the House will be decided by voice. There is not even the necessity of asking Members to rise in their seats and marking their numbers, because that process by itself will take a long time. If someone chooses to challenge the decision of the Chair on some amendment, then it may be worth considering whether a division should or should not be granted. Ultimately any amendment that is accepted is again going to be voted on by the requisite majority of the House when the clause, as amended, is going to be put to the House.

The other course is that as we take each clause and after we finish the time-limit we immediately put it to vote. This means that there will be a number of divisions taken. One of the ideas which was passing in my mind was—if the House was agreeable—that after disposing of the clauses by way of discussion and amendments, I was just considering whether all the clauses could be put together for voting by division. That was purely with a view to saving time in the mechanical act of recording divisions. I find some heads are shaking as a matter of non-concurrence with what is passing in my mind.

Dr. Deshmukh (Madhya Pradesh):
Not shaking correctly.

Mr. Speaker: I quite realise the theoretical position that it may be possible for some Members to agree to a particular clause as amended and yet not agree to a particular clause as it stands, and, therefore, it will be desirable naturally to have separate voting in respect of each clause. I am perfectly willing to do that. My first proposal, if the House finds itself in agreement, is intended only to save time. But if the House is not agreeable and wants a separate voting on each, I have not the least objection and we shall go on.

But I put this point of view because I have not yet lost hope that there will be some clauses on which there will be no difference of opinion, for example the technical clauses relating to the two sessions of Parliament or two sessions of the Legislatures in the States. These are all formal clauses and if therefore the House finds itself in agreement that all these clauses should be put together I shall do so because that will save the time of, at least, I think, three to four hours.

I am placing both these proposals before the House so that they may do as they like. If they want a separate division on each of these clauses, whether they are of importance or not, I shall have no objection. But our practice in legislation has been that in the case of clauses on which there is not much controversy or amendment, we put all the clauses together. All that is needed is that the clauses put to the House must be decided by a particular majority and we must have a record about the majority which voted for or against. That is why I am making these proposals.

Now, in view of the time to be taken up for the divisions I think we must sit even in the afternoon today and tomorrow. I propose that we shall disperse at one o'clock after finishing such of the work according to the time-table and not according to the trend of discussions or the desire to discuss or talk more, then we meet, if the House is agreeable to that proposal, at 3-30 P.M. and we go up to 6-30 P.M.—not beyond that. That means three hours. Tomorrow also we may sit for those hours so that we can finish the whole Bill, including the third reading thereof, which to my mind ought not to take any substantial time at all. Because all that could be said has been said, and will be said during the course of

this discussion, and practically nothing but repetition will remain to be said. Of course, the words and phraseology will be different, but what can be said in the third reading may possibly be only a paraphrase of the speeches that have already taken place and no new arguments.

So, that is the time-table and instead of taking up any more time in having suggestions and agreeing or disagreeing with this, if there is a substantial agreement I will now proceed.

Prof. S. L. Saksena (Uttar Pradesh): On a point of order, may I know whether the rules of the House permit muzzling of discussion in this manner? I personally feel that this Bill is a fundamental Bill.

Mr. Speaker: He need not repeat the argument. I know the importance of the Bill. What the hon. Member calls "muzzling" is muzzling of a big majority just for the benefit of a few who want to speak. That is my whole impression about it. The hon. Member may not like it, but any Member who wishes to speak any longer will perhaps swerve round those who are differing from the hon. the Leader of the House in respect of the liberty of speech to go in the lobby with him! That will be the effect of long speeches. Liberty has a meaning. There is no muzzling. If every Member wants to talk for an hour or over, is it reasonable to expect the whole House to sit and to hear him? In a House like this it is not possible to give every Member a chance of speaking, for the sake of speaking. I would therefore appeal to hon. Members to see whether the arguments which they propose to advance are covered or not. We have had speeches here—two speeches from the hon. Member Dr. Syama Prasad Mookerjee dealing with the matter threadbare and we had speeches twice from the president of the All-India Newspapers Association, and speeches from a number of other people. Therefore, to say that this is "muzzling" is something which is not really fair to the House. I do not think it is muzzling at all.

Prof. S. L. Saksena: I wanted to finish my speech on the point of order.

Mr. Speaker: No, no. I do not permit it. No speeches are necessary.

Prof. K. T. Shah (Bihar): I would like to have some clarification in view of what you have stated that some of these amending clauses seem to be only technical such as those relating to the two sessions and so on. There is, in my opinion, a very substantial

change in the amendment of article 87 which is not merely consequential. I wanted to know for clarification whether any amendment on those clauses will not be allowed.

Mr. Speaker: Perhaps there is some misapprehension. Amendment to any clause, including an amendment of a comma or a semi-colon, is perfectly competent. My only point was that hon. Members may themselves take that into consideration and restrict their remarks. I treat some of them as of a formal character. But it is possible that some hon. Members may treat them as matters of substance. But in that case, we shall have to appreciate the balance. If more time is to be taken on that, it will mean less time here. Because, we want to finish everything by 6-30 P.M. tomorrow. That is the whole position. And that too, divided between from now to one o'clock today and 3-30 P.M. to 6-30 P.M. and tomorrow from 9-30 A.M. to one o'clock and from 3-30 P.M. to 6-30 P.M., including the time required for voting.

Shri Kamath (Madhya Pradesh): May I suggest for your consideration and for the consideration of the House that all the clauses except clause 3, which is most controversial, may be taken up and disposed of first in the order appearing in the Bill, and that clause 3 can be reserved last so that all the available time can be devoted to that clause?

Mr. Speaker: I am afraid that will perhaps leave a greater ground for the complaint that there is "muzzling" on that clause. The point is that if we sit up and take the more important things and if we have to make a change of a few minutes, no one need feel that he did not get a sufficient opportunity. After all, if the other clauses are of a formal character they can be put through at the end without any further discussion. I am trying to take up the clauses in the order of their importance.

Shri Kazmi (Uttar Pradesh): So far as the voting on some of the clauses is concerned may I suggest that the record of voting in respect of every clause may be separate but we may do it at one division? That is, we may go and have our vote recorded in respect of the various clauses separately but we will have to go only once to the lobby.

Mr. Speaker: That is exactly what I say. In the proceedings when I say that clauses, for example, 8 to 10 be taken together and the voting is there, it is that the voting is in respect of each of the clauses. That is how the proceedings will go.

Pandit Balkrishna Sharma (Uttar Pradesh): In regard to voting on amendments I want to submit one thing. You were pleased to say that all the amendments will be either accepted or rejected by 'Ayes' or 'Noes'. I wish to suggest that such of the amendments as may be accepted by the Government may be voted upon by our going to the lobbies.

Mr. Speaker: Order, order. The hon. Member did not either listen carefully or was not present when the matter was thrashed out yesterday and when I again referred to that matter. Yesterday, though I shared the view of the hon. the Home Minister and the hon. the Leader of the House, I still was of the view that we might perhaps take these amendments by separate vote in the lobbies just to err on the safe side. But on considering the matter further I find that I need not be so nervous about the interpretation of it even if the matter is challenged in a court of law, for the simple reason that after the amendment is carried the clause, as amended, is going to be put to the House. Therefore, if the House is not agreeable to the amendment being incorporated in the clause, it is perfectly competent for them to reject the clause. That is the view. Therefore we need not take more time in the technicalities.

Shri Amolak Chaudhary (Uttar Pradesh): May I know whether there will be Question Hour tomorrow or not?

Mr. Speaker: If hon. Members are agreeable, I shall certainly drop the Question Hour.

Several Hon. Members: Drop it, Sir.

Shri Sidhva (Madhya Pradesh): No, Sir.

Mr. Speaker: Order, order. I cannot make head or tail.

The Minister of State for Parliamentary Affairs (Shri Satya Narayan Sinha): The Question Hour tomorrow may be taken up on the 9th as there is every likelihood of the House meeting on the 9th. Just as we have transferred for the 8th, let tomorrow's questions be transferred to the 9th.

Mr. Speaker: Order, order. I think if we go on like that we would be on very slippery ground, that is, from 9th to 10th and 10th to 11th. (Interruptions.) Order, order. Let us first of all be determined that, come what may, we finish on the 7th. If the hon. Minister makes a declaration that we go up to the 9th, I am sure it will have

bad repercussions on the length of discussions. Let us follow that with determination and if the whole House is so agreeable, we might have a programme and a time-limit definitely to every proposal coming before the House in the general interests of debate as also the convenience of Members and the desire of the House. So, I should not promise that tomorrow's questions will be transferred but if hon. Members who are having questions for tomorrow are willing to drop them.....

Shri Sidhva: It is not going to make any change.

Mr. Speaker: Why do they not hear me completely? If they are so keen, I am prepared to say this much that if the Question Hour is dropped tomorrow and in case the House sits on the 9th—there is one per cent. chance—then I should have no objection to those questions being put on the 9th. We have already taken half an hour over this.

Pandit Munishwar Datt Upadhyay (Uttar Pradesh): If you drop the Question Hour tomorrow, there should not be an afternoon sitting.

Mr. Speaker: Let us proceed with our business. For clause 2 I have given one hour, that means it has to be finished by seven minutes to eleven, to be more exact about it. I think the Leader of the House may take about ten or 15 minutes.

The Prime Minister and Minister of External Affairs (Shri Jawaharlal Nehru): Probably five minutes, Sir, if at all; even that might not be necessary.

Mr. Speaker: I shall call upon the Prime Minister to reply on clause 2 at quarter to eleven.

Clause 2.—(Amendment of article 15)

Shri Naziruddin Ahmad (West Bengal): I would like to know whether all amendments relating to one clause should be taken separately or they should be grouped together. I think if they are grouped together the discussions would be shorter.

Mr. Speaker: The position now is that amendments standing in the names of Prof. S. L. Saksena, Sardar Hukam Singh, Dr. S. P. Mookerjee, Prof. K. T. Shah, Shri Hussain Imam, Shri Naziruddin Ahmad and Shri Kamath are to be moved. No other Member wishes to move any of his amendments. They can be taken to have been moved and then about the time-limit on speeches in respect of these amendments.....

Dr. S. P. Mookerjee (West Bengal): One hour will start from now.

Mr. Speaker: The discussion will go on for one hour from now.

Prof. S. L. Saksena: I beg to move:

(i) In page 1, omit clause 2.

(ii) In Page 1, line 8, for "socially and educationally backward classes" substitute "socially, economically and educationally backward classes".

(iii) In page 1, line 9, add at the end, "during the first ten years since the commencement of this Constitution."

Sardar Hukam Singh (Punjab): I beg to move:

(i) In page 1, line 6, omit "or in clause (2) of article 29".

(ii) In page 1, lines 8 and 9, for "any socially and educationally backward classes of citizens or for the Scheduled Castes and the Scheduled Tribes" substitute "such backward classes as are referred to in articles 340, 341 and 342 of the Constitution".

(iii) In page 1, line 8, after "socially" insert "economically".

Dr. S. P. Mookerjee: I beg to move:

In page 1, line 7, for "special" substitute "reasonable".

Prof. K. T. Shah: I beg to move:

(i) In page 1, line 7, after "provision for the" insert "economic, social, educational".

(ii) In page 1, line 8, after "socially" insert a comma and "economically, or".

(iii) In page 1, line 8, for "classes of" substitute "or deficient".

(iv) In page 1, line 9, for "or" substitute "and".

Shri Hussain Imam (Bihar): I beg to move:

In page 1, line 8, after "advancement" insert "employment and reservation of seats in educational institutions".

Shri Naziruddin Ahmad: My amendment is the same as the second moved by Prof. S. L. Saksena.

Shri Kamath: I beg to move:

(i) In page 1, after line 9 add:

"provided that such provision does not impose unreasonable restrictions upon the right to equality of opportunity guaranteed to all citizens by the Constitution."

(ii) In page 1, after line 9 add:

"Provided that such provision does not entail undue or unreasonable discrimination against other classes of citizens."

Mr. Speaker: Prof. S. L. Saksena's first amendment is out of order as it is the negative of the original. I will place the remaining amendments before the House.

Amendments moved:

(1) In page 1, line 8, for "socially and educationally backward classes" substitute "socially, economically and educationally backward classes"

(2) In page 1, line 9, add at the end, "during the first ten years since the commencement of this Constitution."

(3) In page 1, line 6, omit "or in clause (2) of article 29"

(4) In page 1, lines 8 and 9, for "any socially and educationally backward classes of citizens or for the Scheduled Castes and the Scheduled Tribes" substitute "such backward classes as are referred to in articles 340, 341 and 342 of the Constitution".

(5) In page 1, line 8, after "socially" insert "economically".

(6) In page 1, line 7, for "special" substitute "reasonable".

(7) In page 1, line 7, after "provision for the" insert "economic, social, educational".

(8) In page 1, line 8, after "socially" insert a comma and "economically, or".

(9) In page 1, line 8, for "classes of" substitute "or deficient".

(10) In page 1, line 9, for "or" substitute "and".

(11) In page 1, line 8, after "advancement" insert "employment and reservation of seats in educational institutions".

(12) In page 1, after line 9 add:

"provided that such provision does not impose unreasonable restrictions upon the right to equality of opportunity guaranteed to all citizens by the Constitution".

(13) In page 1, after line 9 add:

"Provided that such provision does not entail undue or unreasonable discrimination against other classes of citizens".

10 A.M.

Shri M. A. Ayyangar (Madras): I shall only say a few words both on the clause as also on the amendments. In my opinion, backward classes must be a first charge along with Scheduled Castes and Tribes on the attention of the State as a whole and on the Government. If in the original Constitution as framed all those provisions have not been introduced which have been intended for safeguarding and uplifting the Scheduled Castes and Scheduled Tribes, we thought that a Commission would be appointed by the President and in accordance with the recommendations of the Commission steps would be taken as early as possible. I am sorry to note that still no Commission has been appointed by the President. Till such a Commission is appointed, various steps have to be taken. The courts have found that there are some difficulties not only with respect to the Scheduled Castes but also in respect of other backward classes. In so far as there are any restrictions on the powers of the Government under the Fundamental Rights preventing any special provisions being made for the uplift of the backward classes, I entirely agree with the Government that the provisions ought to be relaxed and there must be sufficient latitude for the State Governments to introduce provisions so as to enable the backward classes, as early as possible, to come up to the level of the other classes.

Now, it is suggested that this might introduce religion, caste and other things by the back door. On that score, I felt, at one stage that article 15 need not be amended and that it would be better to amend article 29. Article 29 relates to education and special provisions may be made for the reservation of seats in schools and colleges, etc. In article 16, there is already provision for the reservation of posts for backward classes wherever in the opinion of the State they are not adequately represented. So far as article 340 is concerned, the President can appoint a Commission to investigate into the social and educational backwardness of these communities and to make adequate provision for bringing up these to the level of the others. Therefore, I thought that these three provisions in articles 16, 29 and 340 were sufficient, and that article 15 need not be touched because article 15 says that no discrimination shall be allowed on grounds of religion, race, caste, creed, etc. and this amendment might indirectly bring in once again race, religion, caste, etc. As soon as the President appoints the Commission and

the Commission reports, I am sure that these backward classes would be such as are indicated by the Commission's report or the President's order. That is what is also referred to in the Report of the Select Committee. Therefore, there need not be any apprehension on the ground that indirectly other communities, castes and creeds will be brought in and that these provisions will be enlarged or circumvented so as to benefit any privileged classes that do not require any special treatment. I am satisfied that that recommendation in the Select Committee Report will be followed by the State Governments. There is no good in making aspersions on the State Governments. These are provincial subjects and therefore the State Governments have to be relied upon to carry out these behests and the directions in the Constitution.

I would have liked that so far as this provision in article 15(4) is concerned, the word 'reasonable' might have been put there. But, whether the word 'reasonable' is there or not, this provision cannot be a cent per cent provision for the backward classes ignoring the claims of all the others. In the very nature of things, these must be reasonable provisions. I am sure the courts will interpret, whether the word 'reasonable' is there or not, that provision means reasonable provision, not leaving out the rest. So, I am not very particular that the word 'reasonable' should be added.

So far as social and educational backwardness is concerned. I thought 'economic' might be added so that rich men may not take advantage of this provision. In my part of the country, there are the Nattukkottai Chettians who do not care to have English education, but they are the richest of the lot. They have all the business houses and factories. You can compare them to the Marwar community in the north. If these people do not want English Education, should there be special reservation for them? Therefore, I thought the word 'economic' should also be added. Both the hon. Prime Minister and Home Minister thought that this provision should be brought in line with article 340 and therefore used deliberately 'socially and educationally' and avoided the word 'economic'. I am sure this will serve the purpose. I am happy at the clause as it has emerged from the Select Committee, though I would like to have some changes here and there. I hope the clause will be interpreted in the light in which it is intended and in the light of the directions given in the Report of the Select Committee.

Mr. Speaker: Prof. Shibban Lal Saksena. I am going in the order of amendments.

Shri J. R. Kapoor (Uttar Pradesh): I believe some of the hon. Members who have not moved any amendments will also be given an opportunity.

Mr. Speaker: I cannot be sure. I do not think anybody really needs any opportunity now. But, an opportunity has to be given to those who wish to make some changes. It is not now an occasion to speak again. It is an occasion for going into the lobbies and deciding. The matter has been thoroughly discussed. I do not think any occasion for any speech arises.

Prof. S. L. Saksena: My second amendment is that for "socially and educationally backward classes", "socially, economically and educationally backward classes" be substituted.

Mr. Speaker: The time at the disposal of the hon. Member is very short. He need not read the amendments. He may refer to the numbers and advance arguments.

Prof. S. L. Saksena: Then I have another amendment that the words "during the first ten years since the commencement of the Constitution" be added at the end.

This amendment I consider to be a most dangerous amendment.

An hon. Member: Dangerous?

Prof. S. L. Saksena: Yes, a dangerous amendment.

Mr. Speaker: Let him not be interrupted.

Prof. S. L. Saksena: It cuts at the very root of the principles which we have accepted to be the basis of our democracy. Equality has been the one important principle which we have adopted. We have also set ourselves against untouchability. But, I think through this clause we are introducing a new kind of untouchability—untouchability of those who so far were the backward classes. That is the result of this amendment. I feel that this Constitution should not be disgraced by having such an amendment as this. I feel that there is nobody in this House today who does not want that the backward classes, who are low in the scale of education, to be brought up. I am in full agreement with them. But what I feel is that this amendment will be used for people who are neither backward nor who need any special provisions.

The Minister of State for Finance (Shri Tyagi): Will my hon. friend speak slowly? He is committing so many spelling mistakes in his speech.

Mr. Speaker: Order, order. The hon. Minister knows that it is the Chair that has to be addressed by a Member and the Member has not to be addressed directly. That is the first mistake that the hon. Minister has committed. Then, if he permits me to point out, I may say while speaking there are mistakes of pronunciation and not of spelling.

Prof. S. L. Saksena: So far I had thought that Mr. Naziruddin Ahmad was the only grammarian in this House. I am glad that the hon. Minister there is also the Minister for spelling.

Mr. Speaker: The hon. Member need not reply to that. He may proceed.

Prof. S. L. Saksena: I was surprised when the Prime Minister said that this amendment would bring some people up.

[MR. DEPUTY-SPEAKER in the Chair]

I thought that the real purpose of this amendment is to nullify the judgment of the Supreme Court. The House will realise that the article, as it is in the Constitution, enunciates a very salutary rule. I do not think that an amendment of the Constitution is the proper method of circumventing the judgment. While I know that the House is going to pass the amendment, I have suggested two amendments: One that the word "economically" be added and another that the operation of this provision may be limited to ten years. We all want that the really backward classes who are poor and who cannot get opportunities to come up and raise themselves should all be helped. And for this it is very necessary that the word "economic" should be there. There may be classes which taken as a whole may be backward, but the individual who claims these privileges or benefits may be a millionaire and have all the opportunities he wants by reason of his wealth. But still this clause will help him. If you want that these benefits or privileges should go to those who are really in need of them, then you must have the word "economic" in this clause. I do not understand the objection to this addition of the word "economic". It is said that in Madras there are very rich people who call themselves backward classes or sub-castes of some castes and who get all these benefits to themselves. I think the clause should not be allowed to stand as it is, otherwise it will be a dangerous thing. If it is allowed to pass in its present form, it will mean that any class which has entrenched itself in power may use this clause to advance its own particular class and I do not

[Prof. S. L. Saksena]

think our Constitution should be burdened with such privileges to particular classes. I personally think that if the word "economic" is there it will serve to benefit those who are really backward and who need to be helped. I do not know why this healthy amendment is not being accepted by the Government. Mr. Ananthasayanam Ayyangar himself has just now said that the word "economic" should be there, the purpose being that those who will benefit from it should be the persons who are really backward, and who without this provision, will not be able to come forward. I think this word should be added and if that is done, the sting will be taken away from this clause.

I have also suggested that the duration should be limited to ten years only. Our Constitution also provides safeguards for Scheduled Castes and backward classes and these safeguards have all been limited to only ten years.

Dr. Deshmukh: If their backwardness disappears, the concessions will also disappear.

Prof. S. L. Saksena: If you continue these privileges, these disabilities or this backwardness will never disappear, because crutches will never enable the backward classes to come up. At present they need to be helped because they are backward and so our Constitution has wisely provided that these privileges or concessions should be there for ten years to enable them to rise up. But we should not perpetuate these inequalities. Unless we place such a time-limit it will be nothing but perpetuation of these inequalities for ever in the Constitution. I therefore think the period should be limited to ten years as I have suggested and it should be extended only to those who are socially and economically backward.

I think these are healthy amendments which I hope the Prime Minister will accept.

Prof. K. T. Shah: My amendments are also on the same lines as those of Prof. Saksena and I will not repeat the arguments that he has already advanced, except in two particulars which he has not touched. I am quite certain that the backwardness which really needs to be remedied is backwardness of an economic character. This affects a very large proportion of the people of this country and we hope they will be affected and helped by the so-called Chapter on Directive Principles. If for instance the article in the Constitution which assures compulsory universal elementary education is implemented, then many of these

questions would not arise. Therefore I feel that the most important thing to do is to implement our Chapter on Directive Principles and not because you are not able to do so, to revive that which we had sought to abolish by our Constitution. I say that because the definition of classes will be really nothing but a definition of birth. It just happens that you are born in a certain class or group and that class is regarded as a backward class, no matter what its advancement may be in social or other respects. I think we have some experience, for instance, of the Punjab Land Alienation Act where agricultural classes are defined, and the Punjab Members will perhaps tell the House how that has worked. Classes are called by a particular name not because they carry on this occupation or profession but because they happen to be born in certain families or certain groups. Therefore the retention of this word "class" would mean, in my opinion, the negation of the spirit of the Constitution, and my amendment, therefore, seeks to substitute the word "citizen" for it, and also the word "deficient".

Another point that I would like to bring to the notice of the House is that nothing in this will prevent the State from making special provisions. Under article 29 you have not debarred anybody from any educational institutions on the ground of birth or sex and so on. And that will still stand, in spite of this amendment. You have to make adequate arrangements for effectively bringing up the backward classes and you have to define these classes according to articles 340, 341 and 342. Unless and until you take precise measures to bring up these backward classes, they will remain where they are. Therefore I have suggested in my amendment that the words "backward classes" should be eliminated and they should be substituted by the word "deficient". I have also suggested that as an alternative rather than a conjunctive expression should be there, that is to say, for "Scheduled Castes and Scheduled Tribes", I would have "Scheduled Castes or Scheduled Tribes". The spirit of the Constitution has to be maintained and also the intentions of the Chapter on Directive Principles which you are now trying to side-track, or you are, at any rate, salving your conscience and putting them aside on the ground of inability, for the time being. You tell the so-called backward classes that special arrangements will be made to them, though actually your ability to do so is very limited. Let us be honest. Let us accept this amendment. We must remove the back-

wardness, especially backwardness arising out of or created by social customs and traditions and our history. Every effort must be made to remove this sort of backwardness. But this clause does not work in that direction. That is not the direction in which this clause will lead you. Therefore I have proposed my amendments and I commend them for the acceptance of the House.

Sardar Hukam Singh: In the time allowed to me, I will briefly try to refer to my amendments. It is not possible to develop any one of these and I would not make an attempt. We were told by the hon. Speaker that the House is not inclined to listen and I am not also very keen to make myself felt. Therefore, my reference would be very brief.

So far as my first amendment is concerned, my objection is rather technical. I find that reference has been made to article 29 as well now and this has been done by the Select Committee. The hon. Prime Minister said that even in the first instance this was kept in mind and it was only an error that it was not included. Whatever that might be, my fears are that in an implied manner we are going to amend clause (2) of article 29 as well because under the present amendment the application of article 29(2) is being restricted. So even if we did not say expressly, that article is also sought to be amended. I fear that would be out of our scope and would not be permissible.

As for my second amendment, it has also been argued by two friends of mine who have preceded me. So far as the idea underlying the clause is concerned, I am in perfect agreement. I also find that there is need that those backward classes should be brought up to the standard of average citizen. They need our sympathy and support. But the difficulty is that with the amendment—we are not defining who will be eligible for this support—it would be possible for the State legislatures or the executive to corrupt those lists as they want. We have defined what our intention was when we made the Constitution that the Scheduled Castes, Scheduled Tribes as well as other backward classes, who were suffering from such disabilities, socially, economically or educationally, should be helped and I support that wholeheartedly but the clause as it stands now and as emerged from the Select Committee does not make it clear and my apprehension is that it will be left to the party in power in the various States what lists they prepare and perhaps it might be used for political purposes

as well. The real needy might not be given the assistance that they deserve and others not backward in one respect or other may be aided under that guise. So we have articles 340, 341 and 342. If we adhere to them—and they lay down that the President has to declare under articles 341 and 342 the lists of Scheduled Castes and Scheduled Tribes and backward classes and an officer has to be appointed to prepare the lists—then the various Legislatures and the executives in the States might confine themselves to aiding really persons who might deserve the aid.

In my third amendment I have said that the word 'economically' should be inserted. You yourself, Sir, have argued that there may be persons who may be educationally and socially considered to be backward and yet they may be very advanced economically. In that prospect we should not deprive those who are really economically backward and if my amendment is accepted, the scope would be limited to helping the really needy.

I therefore commend my three amendments for the acceptance of the House.

Dr. S. P. Mookerjee: The amendment which I have moved seeks to substitute the word 'special' by the word 'reasonable'. With regard to this matter, there is complete unanimity in the House that adequate provision must be made for the advancement of the interest of those who are today backward but the question is how to make a suitable provision in the Constitution which will prevent an abuse of such a provision. Now this point has been touched in the report of the Select Committee and it has been suggested there that it is hoped that nothing will be done which may lead to an abuse of this clause. As you are aware, this matter came up in connection with the recent judgment of the Supreme Court with regard to what is called the communal G.O. of Madras. Now the communal G.O. has been quoted in the text of the judgment and it appears therefrom that this was really not a provision for the advancement of the educational interest of backward communities as such but there was a provision for non-Brahmin Hindus—six, backward Hindus—two, Brahmins—two, Harijans—two, Anglo-Indians and Indian Christians—one, Muslim—one. This was the ratio to be followed for every 14 seats to be filled for admission to Medical College and the Engineering College. In other words, supposing for every 14 seats there are more than two capable and qualified Harijan candidates, even they would

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not be admitted and they will have to make room for others who come under this category of backward Hindus or non-Brahmin Hindus. From my discussion with Members I gathered that it was nobody's intention to justify the communal G.O. That is good. That is reassuring but the amendment which is sought to be made today in the Constitution leaves scope to the State Government to pass a similar provision like the communal G.O. of Madras if it so chooses. No doubt the Select Committee says that this should not be done and there should not be any abuse made, and that those who are really backward should be helped in every possible way. There is no objection to that. In fact the more we give them educational facilities, the greater will be the chance of doing away with these artificial barriers.

Mr. Deputy-Speaker: Have they not already committed themselves to what classes come under 'backward classes' in the communal G.O.?

Dr. S. P. Mookerjee: That may not be covered under the amendment which we are passing. At any rate, that is a debatable point. One attempt we made in the Select Committee was to confine the definition of backward classes to article 340. There a procedure had been laid down indicating that the President would appoint a Commission and the Commission would enquire into the conditions of certain classes or castes of people in the country and if after a comprehensive report it was thought necessary that certain facilities should be given, such facilities could be provided for. But that reference has been omitted from the clause as it is now before us today. What I seek, therefore, to do is practically to implement the spirit of the observations which are made in the Select Committee Report. No doubt the Government of India may in a friendly way suggest to the State Governments that they should not proceed in a particular way which may mean abuse of the powers which are being given to the State Governments. But there will be no legal force behind it. On the other hand if you say that the provisions made shall be reasonable, that will act as a very salutary check in respect of any efforts which may be made by any State Government. The provision should be so made that it would not take away the legitimate rights of others who may be more qualified but who may not get opportunities, or extend the facilities to such sections of the people who are

not really backward but who, for political reasons, have got to be supported and strengthened. Now that is a dangerous tendency. I know that this is a delicate matter and I do not wish to say anything which may give the impression that any section of the House is opposed to the central idea of providing facilities to those who are backward. If my amendment is accepted in the form in which I have moved it or in the form of Mr. Kamath's amendment, I do not think there will be any objection from any quarter except from those who may in their heart of hearts consider it desirable that a provision like the Madras communal G.O. should be revived. If you say "reasonable" the communal G.O. cannot apply. If you do not want to see it revived, then why not accept my amendment and set all doubts at rest? That is the object of my amendment.

Shri Hussain Imam: I am a believer in being explicit and perfectly clear about my intentions. The law and especially the Constitution should not be ambiguous and capable of interpretation in different ways. It is because of this that we have today to face this amending Bill. Had we made our intention clear in the way in which we wanted it there would have been no need for this measure.

I entirely agree with the Prime Minister that in order to establish equality it will be necessary to deny certain privileges to those who are in enjoyment of them. It is on this basis that the Zamindari Abolition Act is being passed. If so, I ask why should it not be perfectly all right that those who are educationally or economically or due to statutory actions backward, things should be reserved for them? I feel that the intention of the Government, however laudable it may be, is very much clouded by non-explicit words. I am afraid it will again lead to litigation and the judiciary will have to interpret it with the result perhaps that the intention of the Government may not be carried out. For this purpose I have tried to clarify the matter by providing for reservation, as apart from rotation. The difficulty with the Madras G.O. was that it provided for a system of rotation. Instead of that what we might do is to reserve something for those who are backward and the rest should be open to competition in which both the backward and forward will come in according to merit. It is for this purpose that I have moved my amendment so that you may provide for the minimum by means of a statutory guarantee both in appointments and educational insti-

tutions and for the rest in order to avoid discrimination you may throw it open to everybody on sheer merit. There should be no rotation but reservation *cum* open competition. I therefore appeal to the House to modify the wording in whatever manner they think proper so that the intention of the Government may be explicitly indicated and all ambiguity removed and thus obviate the necessity for further amendment.

Shri Kamath: Let me make it clear at the very outset that I yield to none in my desire to see that the backward classes and the Scheduled Castes and Tribes attain a high level in educational and economic standards in this country and I would even look forward to the day when the stigma attaching to Scheduled Castes and Scheduled Tribes or backward classes will disappear for ever from our constitutional vocabulary and parlance.

The idea underlying this amendment to article 15 is laudable and unexceptionable but, I am afraid, in practice, if left to the State Governments without central direction, the power is likely to be abused. The Prime Minister himself in his speech the other day appeared to labour under an apprehension when he said that the High Court of Madras was perhaps after all not wrong in holding the communal G. O. of the Madras Government as invalid and *ultra vires* of the Constitution. He said:

"I do not for an instant challenge the right of the High Court of Madras to pass the order. Indeed from a certain point of view it seems, if I may say so with all respect, that their argument was quite sound and valid. That is to say, if communities as such are brought into the picture, it does go against certain explicit or implied provisions of the Constitution."

Then he went on to say that conditions have brought about this amendment and how certain classes have been kept in a certain state of depression, if I may say so. I am against dubbing a class wholesale as a backward class just as I have objections to listing certain castes or tribes as Scheduled and placed in a separate category. Circumstances may justify this provision, but on grounds of principle it is open to objection.

The Prime Minister was right in saying the other day that it would be more proper to refer to backward individuals and not classes as a whole

or in a lump. Consider my friend Dr. Ambedkar. Will anybody dare say that Dr. Ambedkar is a backward individual or belongs to a backward class? Latterly he has been crusading for Buddhism.....

Dr. S. P. Mookerjee: That is a sign of being forward.

Shri Kamath: My friend Dr. Mookerjee says that it is a sign of being forward. Dr. Ambedkar is educationally, socially and economically far more forward than myself.....

Shri J. R. Kapoor: Those who do not belong to the Forward Bloc are backward!

Shri Kamath: The Scheduled Castes under the Constitution are entitled to protection. Will anybody say that Dr. Ambedkar needs protection at the hands of anybody?

Shri Rathnaswamy (Madras): We do not go by individuals but by community.

Shri Kamath: Dr. Ambedkar, if he will pardon me for saying it, is so aggressive that others may need protection from him. Fortunately his aggression is confined so far to words and not to deeds.

Dr. Deshmukh: Deeds he has left behind.

Shri Kamath: Consider again my friend Dr. Deshmukh, who is the president of the All-India Backward Classes Association. I do not know whether he styles himself as a member of the backward classes. But I will yield to him any day as regards intellectual superiority, social charm or educational qualifications.

I agree with the Prime Minister's remark the other day that it is wrong to dub or brand a whole class as backward. Dr. Deshmukh is the President of the Backward Classes Association and yet he may not belong to the backward classes.

Look at the other aspect of the problem. The Brahmins are supposed to be very forward, at any rate not backward. Dr. Ambedkar said the other day that every Hindu has got a caste—but I do not think that is why he has embraced Buddhism where all classes and even Scheduled Castes disappear. That apart, the Brahmins are supposed to be the most superior among the *chaturvarnas*, though what Dr. Ambedkar said the other day is not quite correct, that the *Hindu smritis* and *shastras* perpetuate this

[Shri Kamath]

chaturvarna. Even the Gita which he quoted perhaps mentions only *guna* and *karma* and not *janma*. Anyway, that is beside the point. But today you will find many Brahmans who are cooks and even *chaprasis*, and Scheduled Caste and backward class individuals occupying the position of ambassadors and Ministers and political leaders, presidents of various political organisations, and high posts in Government.

Dr. Deshmukh: What is the percentage?

Shri Kamath: What is the percentage of Brahmans too? How many Brahmans work as cooks and *chaprasis* all over India today? How many Brahmans are also illiterate today?

Therefore, my point is this. I am all for making provision for backward classes, wholeheartedly in favour of making provision for backward classes and Scheduled Tribes. Let me make it quite clear. But in practice this might lead to abuse unless it is laid down, as you, Sir, have suggested, that the provision made for them should be reasonable—Dr. Mookerjee also supported that idea—or, as I have suggested in my amendment, that such provision does not impose unreasonable restrictions upon the right to equality of opportunity guaranteed to all citizens by the Constitution, or, if that is not acceptable, the other one which suggests that such provision shall not entail undue or unreasonable discrimination against other classes of citizens.

The Home Minister answering a question the other day in the House about Scheduled Caste appointments, I believe, said appointments are made consistently with the necessity to maintain efficiency in the services. And even our Constitution provides for that. Article 335 says that consistently with the maintenance of efficiency of administration, members of Scheduled Castes and Scheduled Tribes should be given their due share in the making of appointments to services and posts under Government. If this clause be accepted as it is, it is likely that premium may be put upon a caste or a community as against efficiency or merit of an individual. I am sure the Prime Minister, the Home Minister, and even Dr. Ambedkar, all of them, and the whole House, are anxious to avoid that premium should be put upon a caste or a community or a class. Merit or efficiency must be the guiding consideration—not the sole, but the

main consideration. But, nevertheless it may happen, if this clause is accepted as it is, that you might introduce what I might call 'caste-ism' or 'class-ism'—if communalism is not acceptable—by the backdoor, and that might lead to various irregularities, to use the mildest word, so far as admission to educational institutions or appointment to Government posts are concerned. Therefore, I would plead, with all the earnestness at my command, that the clause be accepted with a qualifying proviso that this will not militate against the right to equality of opportunity guaranteed to all citizens not merely in the Preamble but also in article 16 and several articles of the Directive Principles of State Policy. If that is not done, I am afraid that this clause again may be challenged in a court of law, and owing to mutual inconsistencies of the various articles of the Constitution—15, 16, 29, etc., etc.—I for one am afraid that even this clause may be held invalid and *ultra vires* of the Constitution.

Shri Naziruddin Ahmad: Sir, I have only a few words to say because my most important arguments have already been given to the House by you in better words than mine. We want really to help the backward people, but it is necessary that they should be socially, educationally as well as economically backward. If they are merely socially backward, or educationally backward, they may not be economically so. I submit that these three words should be used cumulatively and not disjunctively. Then I would also support your suggestion, Sir, that the word "economically" should also be there.

Coming to the amendment of Prof. Shah, I think instead of the word "class" the word "citizen" should be more appropriate. We want to help the really backward persons. We should not have the term backward "classes". It may be that if we characterise a particular class as backward, there may be a case of two brothers of that class one of whom may be advanced and the other backward. So, the approach should rather be from the individual than from the class. Therefore, I would place the word "economical" in addition, and also substitute "citizen" in place of "classes".

Shri Jawaharlal Nehru: I regret that I am unable to accept any of the amendments put forward—not that I do not sympathise with the great deal that has been said. Indeed, I think it might well be said that with the object of this amendment of the Constitution there is practically unan-

imous agreement here. The only difference comes in sometimes, to a slight extent about its scope, and to a greater extent in regard to certain apprehensions that it arouses. It was for this reason that even in the Select Committee's Report we drew attention to these fears and apprehensions and said that we were quite sure that the Select Committee is of the view that this provision is not likely to be, and cannot indeed be, misused by any Government for perpetuating any class discrimination or for treating non-backward classes as backward for the purpose of conferring privileges on them. I realise that by putting in a paragraph in a Select Committee Report we do not necessarily legally or constitutionally govern anybody or prevent anybody from doing something. That is true, but in the nature of things you have to give a certain latitude in certain directions.

One of the main amendments or ideas put forward is in regard to the addition of the word "economical". Frankly, the argument put forward, with slight variation, I would accept, but my difficulty is this that when we chose those particular words there, "for the advancement of any socially and educationally backward classes", we chose them because they occur in article 340 and we wanted to bring them bodily from there. Otherwise I would have had not the slightest objection to add "economically". But if I added "economically" I would at the same time not make it a kind of cumulative thing but would say that a person who is lacking in any of these things should be helped. "Socially" is a much wider word including many things and certainly including economically. Therefore, I felt that "socially and educationally" really cover the ground and at the same time you bring out a phrase used in another part of the Constitution in a slightly similar context. Therefore, we adhered to that, although I entirely agree with what Prof. Shah and Prof. Shibbanlal Saksena said about people who are economically backward being helped.

Prof. Shah said something about our approaching this question in a more positive way, that is to say, by implementing the Directive Principles of Policy and by trying to uplift backward classes in the sense of nurturing them by special treatment. I completely and wholeheartedly agree with that approach and that is the only correct approach to this problem laid down by the Constitution and laid down by commonsense. The only difficulty again arises that many

correct things cannot be done suddenly and normally. Take this matter of educational advancement. The obvious way to proceed is to build more educational institutions and to give admission to every person who wants that particular type of training and who is competent to profit by it. It is quite desirable, but for lack of room in our colleges and other institutions for that higher education, we are not able to do it. We want every person to have a house to live in. But unfortunately, let us say in the city of Delhi or elsewhere, we have to apportion houses and give priority to some people. Some people have to live in tents for some time, or some people have to live even in the open for some time. But the object is that everyone should have a house and everyone should have a place in an educational institution to be trained up to the limit of his or her capacity.

Again I think it was Dr. Syama Prasad Mookerjee who said that these provisions should be used in a reasonable manner. Yes, undoubtedly, of course. I do not know how the putting in of those words here is going to help, because the idea is bound to be there. If a thing is used unreasonably, then it is wrong—if it is used merely to perpetuate, to give unfair advantage to some. After all the whole purpose of the Constitution, as proclaimed in the Directive Principles is to move towards what I may say a casteless and classless society. It may not have been said precisely in that way; but that is, I take it, its purpose, and anything that perpetuates the present social and economic inequalities is bad.

So, I would beg the House not to accept the amendments to the amendment suggested to this article, because while there is much in them with which we agree they do not really clarify or help the situation. It is one of a slight conflict between existing things and what we want them to be. We want to approach that ideal. If we merely talk of the ideal we do not deal with the practical; if we merely talk of the practical and forget the ideal we become static and forget the Directive Principles of Policy. We have to aim in that direction and move towards it keeping our feet on the ground. I think after careful consideration that the words that the Select Committee has recommended to this House are appropriate for the occasion and the House will accept them as such.

Shri J. R. Kapoor: May I ask one question of the Prime Minister?

Several Hon. Members: No questions now.

Mr. Deputy-Speaker: The hon. the Prime Minister's speech is crystal clear—I do not think any further explanation is necessary.

I shall now put the amendments to the House, except those which are withdrawn.

Dr. S. P. Mookerjee: I beg leave to withdraw my amendment.

The amendment was, by leave, withdrawn

Mr. Deputy-Speaker: The question is:

In page 1, line 6, omit "or in clause (2) of article 29".

The motion was negatived.

Mr. Deputy-Speaker: The question is:

In page 1, line 7, after "provision for the" insert "economic, social, educational".

The motion was negatived.

Mr. Deputy-Speaker: The question is:

In page 1, line 8, after "advancement" insert "employment and reservation of seats in educational institutions".

The motion was negatived.

Mr. Deputy-Speaker: The question is:

In page 1, lines 8 and 9, for "any socially and educationally backward classes of citizens or for the Scheduled Castes and the Scheduled Tribes" substitute "such backward classes as are referred to in articles 340, 341 and 342 of the Constitution".

The motion was negatived.

Mr. Deputy-Speaker: The question is:

In page 1, line 8, for "socially and educationally backward classes" substitute "socially, economically and educationally backward classes".

The motion was negatived.

Mr. Deputy-Speaker: As Sardar Hukam Singh's third amendment is identical to the one just now negatived by the House, that amendment is barred.

Prof. K. T. Shah: Sir, I beg leave to withdraw my second amendment.

The amendment was, by leave, withdrawn.

Mr. Deputy-Speaker: The question is:

In page 1, line 8, for "classes of" substitute "or deficient".

The motion was negatived.

Mr. Deputy-Speaker: The question is:

In page 1, line 9, for "or" substitute "and".

The motion was negatived.

Mr. Deputy-Speaker: The question is:

In page 1, line 9, add at the end, "during the first ten years since the commencement of this Constitution."

The motion was negatived.

Mr. Deputy-Speaker: The question is:

In page 1, after line 9 add:

"Provided that such provision does not impose unreasonable restrictions upon the right to equality of opportunity guaranteed to all citizens by the Constitution."

The motion was negatived.

Shri Kamath: Sir, I beg leave to withdraw my second amendment.

The amendment was, by leave, withdrawn.

Mr. Deputy-Speaker: Before I put the clause to vote I may inform the House that yesterday we experienced some difficulty and spent a lot of time in the division, because there was only one lobby. Now we have got three lobbies. Hon. Members will kindly remember their division numbers. Nos. 1 to 100 will go into the original lobby; Nos. 101 to 200 will go into the second lobby and Nos. 201 to 325 will go into the third lobby—if they are all voting 'Ayes' 'Noes' will go into the original 'Noes' lobby.

As soon as hon. Members have finished voting they will come back to their seats, as otherwise the lobbies will be crowded.

Shri Naziruddin Ahmad: The 'Ayes' have three lobbies, while the 'Noes' have only one lobby. This is discrimination.

Mr. Deputy-Speaker: The question is:

"That clause 2 stand part of the Bill."

The House divided: Ayes, 243; Noes, 5.

Division No. 4]

AYE—

[11 A.M.]

Achint Ram, Lala.	Gautam, Shri.	Mirza, Shri.
Ahammedunni, Shri.	Ghose, Shri S. M.	Mishra, Shri M. P.
Alagesan, Shri.	Ghule, Shri.	Misra, Shri S. P.
Alexander, Shri.	Goenka, Shri.	Mishra, Prof. S. N.
Ali, Shri A. H. S.	Gopalaswami, Shri.	Mishra, Shri Yudhishtir.
Alva, Shri Joachim.	Gopinath Singh, Shri.	Mohiuddin, Saikh.
Ambedkar, Dr.	Govind Das, Seth.	Mookerjee, Dr. H. C.
Amolakh Chand, Shri.	Guha, Shri A. C.	Moidu, Maulavi.
Ansari, Shri.	Guha, Shri G. S.	Mudgal, Shri.
Arya, Shri B. S.	Gupta, Shri Deshbandhu.	Munshi, Shri K. M.
Asawa, Shri.	Gupta, Shri V. J.	Munshi, Shri P. T.
Bahmiki, Shri.	Gurung, Shri A. B.	Musafir, Giani G. S.
Barman, Shri.	Haneef, Maulvi.	Naidu, Kumari Padmaja.
Barrow, Shri.	Hanumanthaiya, Shri.	Naidu, Shri Ethirajulu.
Beal Singh, Shri.	Haque, Shri.	Naidu, Shri S. R.
Bhagat, Shri B. B.	Hathi, Shri.	Naik, Shri M.
Bhagwant Roy, Kaka.	Hazarika, Shri J. N.	Naik, Shri S. V.
Bharati, Shri.	Hazarika, Shri M.	Nand Lal, Master.
Bhargava, Pandit M. B.	Heda, Shri.	Nathwani, Shri.
Bhargava, Pandit Thakur Das.	Himateingka, Shri.	Nanaberali, Syed.
Bhatkar, Shri.	Himateinhji, Major-General.	Nehru, Shrimati Uma.
Bhatt, Shri.	Hiray, Shri.	Nehru, Shri Jawaharlal.
Bhattacharya, Prof. K. K.	Husain, Shri T.	Nijalingappa, Shri.
Birsa, Shri.	Hyder Hussain, Shri.	Obaidullah, Shri.
Biyani, Shri.	Iyyunni, Shri.	Oraon, Shri.
Beroach, Shri.	Jagjivan Ram, Shri.	Pande, Dr. C. D.
Brajeshwar Prasad, Shri.	Jain, Shri A. P.	Pannalal Bansidal, Shri.
Buragohain, Shri.	Jain, Shri N. S.	Pani, Shri B. K.
Chakha, Shri.	Jaipal Singh, Shri.	Pant, Shri D. D.
Chandrika Ram, Shri.	Jajoo, Shri.	Parmar, Dr.
Channiah, Shri.	Jajware, Shri Ramraj	Pattabhi, Dr.
Chattopadhyay, Shri.	Jangde, Shri.	Pillai, Shri Nadimuthu.
Chaudhri, Shrimati Kamala.	Jayashri, Shrimati.	Poonacha, Shri.
Chaudhuri, Shri B. K.	Jhunjhunwala, Shri.	Pustake, Shri.
Chettiar, Shri Ramalingam.	Jnani Ram, Shri.	Rahman, Shri. M. H.
Das, Dr. M. M.	Joseph, Shri A.	Raj Bahadur, Shri.
Das, Shri B.	Kala Venkatarao, Shri.	Raj Kanwar, Lala.
Das, Shri B. K.	Kaliyannan, Shri M.	Rajagopalachari, Shri.
Das, Shri Biswanath.	Kanaka Sabai, Shri.	Ramachar, Shri.
Das, Shri Jagannath.	Kannamwar, Shri.	Ramaswamy, Shri Arigay.
Das, Shri Nandkishore.	Kapoor, Shri J. B.	Ramaswamy, Shri Pulli.
Das, Shri S. N.	Karmarkar, Shri.	Ram Dhan Das, Shri.
Deo, Shri Shankarrao.	Kasmi, Shri.	Ramajah, Shri V.
Deogirikar, Shri.	Keekar, Dr.	Ranbir Singh, Ch.
Desai, Shri Kanayala.	Khaparde, Shri.	Ranjit Singh, Sardar.
Desai, Shri Khandubhai.	Krishna Singh, Thakur.	Rao, Shri J. K.
Deshmukh, Dr.	Krishnamachari, Shri T. T.	Rao, Shri M. V. Rama.
Deshmukh, Shri C. D.	Krishnarand Raj, Shri.	Rao, Shri Shiva.
Deshpande, Shri P. Y.	Kumbhar, Shri.	Rao, Shri Thirumala.
Devi Singh, Dr.	Kunhiraman, Shri.	Rao, Shri Kesava.
Dholakia, Shri.	Lakshmanan, Shri.	Rathnaswamy, Shri.
Diwakar, Shri.	Lal Singh, Thakur.	Raut, Shri.
D'Souza, Rev.	Mahata, Shri Kahudiram.	Ray, Shrimati Renuka.
Dargabai, Shrimati.	Mahab, Shri.	Reddi, Shri P. Basai.
Dwivedi, Shri.	Mahtha, Shri S. N.	Reddi, Shri Ranga.
Faimur Ali, Maulvi.	Maitra, Pandit.	Reddi, Shri V. Kodandarama.
Gadgil, Shri.	Mallayya, Shri.	Reddy, Shri K. V. Ranga.
Galib, Shri.	Masey, Shri.	Reddy, Dr. M. C.
Ganamukhi, Shri.	Meeran, Shri.	Radappa, Shri.
Gandhi, Shri Feros.	Menon, Shri Karunakara.	Schmea, Shri Mohan Lal.

AYES—*continued*.

Pustake, Shri
 Raj Bahadur, Shri
 Rajagopalachari, Shri
 Ramaswamy, Shri Arigay
 Ramaswamy, Shri Puli
 Ramn Dhani Das, Shri
 Ramaiah, Shri V.
 Ramnarayan Singh, Babu
 Ranbir Singh, Ch.
 Ranjit Singh, Sardar
 Rao, Shri J. K.
 Rao, Shri M. V. Rama
 Rao, Shri Shiva
 Rao, Shri Thirumala
 Rao, Shri Kesava
 Rathnaswamy, Shri
 Raut, Shri
 Ray, Shimati Renuka
 Reddi, Shri P. Basi
 Reddi, Shri Ranga
 Reddi, Shri V. Kodandarama
 Reddy, Shri K. V. Ranga
 Reddy, Dr. M. C.
 Rudrappa, Shri
 Saksena, Prof. S. L.
 Saksena, Shri Mohan Lal
 Samanta, Shri S. C.
 Sanjivayya, Shri
 Santhanam, Shri
 Sarwate Shri

Satyanarayana, Shri
 Satish Chandra, Shri
 Sen, Shri P. G.
 Shah, Shri C. C.
 Shah, Shri M. C.
 Shankaraiya, Shri
 Sharma, Pandit Balkrishna
 Sharma, Pandit Krishna Chandra
 Sharma, Shri K. C.
 Shiv Charan Lal, Shri
 Shukla, Shri A. C.
 Shukla, Shri S. N.
 Sidhva Shri.
 Singh, Capt. A. P.
 Singh, Dr. R. U.
 Singh, Dr. Ram Subhag
 Singh, Shri B. P.
 Singh, Shri T. N.
 Sinha, Shri Anirudha
 Sinha, Shri A. P.
 Sinha, Shri B. K. P.
 Sinha, Shri K. P.
 Sinha, Shri S. N.
 Sinha, Shri Saaya Narayan
 Sivaprakasam, Shri
 Sna'ak, Shri N.
 Sochet Singh, Sardar
 Sohan Lal, Shri
 Sonavade, Shri

Sondhi, Shri
 Sri Prakasa, Shri
 Subramaniam, Dr. V.
 Subramaniam, Shri C.
 Subramanian, Shri R.
 Sunder Lal, Shri
 Swaminadhan, Shrimati Ammu
 Tewari, Shri R. S.
 Thakkar, Dr. K. V.
 Thimmappa Gowda, Shri
 Tiwari, Shri B. L.
 Tripathi, Shri Kishorimohan
 Tyagi, Shri
 Upadhyay, Pandit Munishwar Dat
 Upadhyaya, Shri R. C.
 Vaidya, Shri K.
 Vaidya, Shri V. B.
 Vaishya, Shri M. B.
 Varma, Shri B. B.
 Varma, Shri M. L.
 Velayudhan, Shri R.
 Velayudhan, Shrimati
 Venkataraman, Shri
 Vyas, Shri K. K.
 Vyas, Shri Radhelal
 Waied Ali, Maulvi
 Yadav Shri
 Yashwant Rai, Proi.
 Zakir Husain, Dr.

NOES

Das, Shri Sarangdhar
 Hukam Singh, Sardar

Husain Imam, Shri
 Kuzru, Pandit

Mookherjee, Dr. S. P.
 Naziruddin Ahmad, Shri
 Shah, Prof. K. T.

The motion was adopted.

Mr. Deputy-Speaker: The motion is adopted by a majority of the total Membership of the House and by a majority of not less than two-thirds of the Members present and voting.

Clause 14, as amended, was added to the Bill.

BUSINESS OF THE HOUSE

The Minister of State for Parliamentary Affairs (Shri Satya Narayan Sinha): Sir, I had requested the Speaker earlier to put before the House that the Question Hour may be dispensed with tomorrow and that if the House is meeting on the 9th those questions may be taken up on that day. I submit this because we want to finish the clauses of the Constitution (First Amendment) Bill by tomorrow forenoon so that the third reading may be taken up in the afternoon. Then it

will be suitably adjusted. Otherwise there will be much confusion tomorrow.

Shri Kamath (Madhya Pradesh): If the House is meeting on the 9th, I shall agree. Otherwise it will be difficult for me to agree.

Shri Satya Narayan Sinha: Does it mean that only for the sake of the Questions the House should meet on the 9th even if the other business is finished?

Mr. Deputy-Speaker: I think almost all except Mr. Kamath are agreed. Hon. Members were anxious to have more time on the Constitution (First Amendment) Bill. If that is so then the Questions can certainly stand over. If there is a meeting on the 9th and no questions have been tabled for that day, naturally tomorrow's questions can be taken up on that day. But to ask that there should be a special sitting only

to the House and the hon. Member who has just spoken that 25 hon. Members spoke on the previous occasion on this very matter and another 15 or 16 hon. Members have spoken after the Report from the Select Committee. In the Select Committee, much attention has been paid to it. Yesterday attention was paid to 'his'. Still, the complaint is that there is no time. I do not know what else is to be said except a repetition. Our experience has been that one hour was granted for amendments to article 15 (2) and all the points raised had already been placed before the House. No doubt elaboration of what has already been said may be possible. Hon. Members may go on speaking. I do not feel satisfied that the discussion will not be adequate. I find that sufficient time has been allotted and more than two hours is not necessary. I only wanted to know the wish of the House whether hon. Members would like to apportion the time between clauses (2) and (6) of article 19. (Several Hon. Members: No.) There is no agreement upon that. Therefore I will proceed.

Pandit Kunzru: If the matter is left to the House, I am sure, ultimately the House will be fair enough to give more time for the discussion of clause (2) of article 19.

Several Hon. Members: No, no.

Several Hon. Members: Yes.

Pandit Kunzru: I am sure if you put it to the House seriously, a large majority of the Members will have the fairness to agree to what I have said.

Mr. Deputy-Speaker: I am only sorry that the hon. Member with all his experience has used the words which ought not to be used. Certainly, I am always serious when I put questions to the House. I know what the House thinks. I am able to gauge the wishes of the House. I am sure, if the question is put to the House, 99 per cent. of the Members will be against the proposal that has been made. Therefore, the hon. Member must leave it to the Chair to judge what exactly is the wish of the House. I am not going to ascertain the wishes of the House separately.

Shri Naziruddin Ahmad: The Speaker gave two hours for amendments relating to article 19. I have noted it.

Mr. Deputy-Speaker: Let us not curtail the two hours by our speeches.

Prof. S. L. Saksena: I beg to move:

(i) In pages 1 and 2, omit clause 3.

(ii) In page 1, line 16, for "prevent the State" substitute "prevent the Parliament".

(iii) In page 1, lines 19 and 20, omit "friendly relations with foreign States".

(iv) In page 1, lines 19 and 20, omit "friendly relations with foreign States, public order".

(v) In page 1, line 20, omit "public order".

(vi) In page 1, line 22, for "an offence" substitute "violence".

(vii) In page 1, after line 22, insert:

"Provided that in sub-clause (2) of this article, the word 'law' shall mean 'laws made by Parliament'".

(viii) In page 1, after line 22, insert:

"Provided that when such law is a law made by the legislature of a State, the provisions of this sub-clause (2) shall not apply thereto unless such law having been reserved for the consideration of the President, has received his assent."

(ix) In page 2, omit lines 1 to 7.

(x) In page 2, omit sub-clause (2) of clause 3.

(xi) in page 2, line 4, omit "or ever to have become void".

Pandit Thakur Das Bhargava (Punjab): I beg to move:

In page 1, lines 20 and 21, for "including, in particular, any existing or other law relating to" substitute "or in relation to".

Shri Syamnandan Sahaya: I beg to move:

In page 1, after line 35, add:

"Provided, however, that where such exclusion results in the displacement of citizens or otherwise from pursuing their normal avocation, the State shall either take over their property affected by such exclusion or shall compensate them to the extent of their loss due to such displacement."

Prof. K. T. Shah: I beg to move:

(i) In page 1, lines 18 and 19, for "in the interests of" substitute "for safeguarding and maintaining".

(ii) In page 1, lines 19 and 20, omit "friendly relations with foreign States".

(iii) In page 1, lines 19 and 20, for "friendly relations with foreign States" substitute "amicable and peaceful relations with friendly foreign States, who have made treaties with the Government of India in that behalf on a basis of reciprocity".

[Prof. K. T. Shah]

(iv) In page 1, line 20, for "public order" substitute "internal peace and the security and integrity of the State".

(v) In page 1, line 20, for "decency or" substitute "public".

(vi) In page 1, line 21, for "existing or other law relating to" substitute "law which, under article 372 of the Constitution, has been adapted and kept alive by an order of the President, and which relates to".

(vii) In page 1, line 22, after "defamation" insert a comma and "attempts at overthrowing or destroying the State, or endangering its integrity and independence".

(viii) In page 1, line 22, for "offence" substitute "any crime of violence against person, such as murder, or against property, such as arson, sabotage, and the like".

(ix) In page 1, line 27, for "existing law" substitute "law which has been adapted and kept alive under article 372 of the Constitution, by an order of the President".

(x) In page 1, line 33, for "industry" substitute "profession, industry, public utility".

(xii) In page 1, after line 35, add:

"Provided that, in any case of a partial undertaking, taking over, or carrying on by the State of any trade, business, profession, industry, public utility or service, where private enterprise continues to function side by side with the State enterprise in the same trade, business, profession, industry, public utility or service, no discrimination shall be made in the conditions of carrying on that trade, business, profession, industry, public utility or service, against or in favour of the State enterprise, or vice versa."

(xii) In page 1, after line 35, add:

"Provided that any law which is passed hereafter, and which imposes or tends to impose any restrictions on the Fundamental Right of the citizen to freedom of speech and expression, shall be introduced in the first instance in the House of the People and passed by both the Houses of Parliament notwithstanding anything said in this part of the Constitution or any Schedule to it."

Shri Deshbhandhu Gupta (Delhi): I beg to move:

In page 1, omit lines 12 to 22.

Shri Naziruddin Ahmad: I beg to move:

(i) In page 1, line 12, omit from "and" to "form" in line 14.

(ii) In page 1, line 20, for "public order" substitute "prevention of public disorder".

(iii) In page 1, line 20, for "public order" substitute "prevention of present danger to public order".

(iv) In page 1, line 22, for "defamation" substitute "defamation including defamation of foreign Governments or their officials".

(v) In page 1, line 22, for "defamation" substitute "defamation of heads or officials of foreign States".

(vi) In page 1, line 22, for "defamation" substitute "defamation including defamation of any person residing outside India".

(vii) In page 1, line 22, insert at end:

"in so far as such law imposes reasonable restrictions on the exercise of the right conferred by the said sub-clause".

(viii) In page 1, for lines 15 to 22 substitute:

"(2) Nothing in sub-clause (a) of clause (1) shall affect the operation of any existing law in so far as it relates to, or prevent the State from making any law relating to, defamation including defamation of any foreign State or any head of such State, contempt of court; or any matter which offends against decency or morality; or which constitutes present danger to public order; or which constitutes incitement to murder or any offence involving violence or sabotage; or which undermines or tends to undermine the security of the State, or which tends to overthrow the State."

(ix) In page 1, line 34, after "service" insert:

"relating to public transport, public communications, broadcasting and to defence industries".

(x) In page 1, after line 35, add:

"provided that compensation shall be paid by the State under article 31 for losses if any to any citizen caused by such State trade, business, industry or service."

(x) In page 2, omit lines 1 to 9.

(xi) In page 2, for lines 1 to 7 substitute:

"(2) All laws in force in the territory of India immediately before the commencement of the Constitution which took away or restricted the right conferred by sub-clause (a) of clause (1) of article 19 of the Constitution and the operation of which was not saved by clause (2) of the said article as originally enacted, shall stand revived and be deemed to be valid but only in so far as they are not inconsistent with clause (2) of the said article as amended by subsection (1) and with effect from such date or dates when such laws are adapted by the President under clause (2) of article 19 of the Constitution as amended by subsection (1) or he declares by notification in the Official Gazette that such adaptation is not necessary."

(xii) In page 2, line 1, for "law in force" substitute "laws in force".

(xiii) In page 2, line 2, for "which is" substitute "in so far as such law is".

(xiv) In page 2, line 4, after "become void" omit the comma.

(xv) In page 2, line 5, for "abridges" substitute "restricts".

(xvi) In page 2, line 7, for "sub-clause" substitute "clause".

(xvii) In page 2, line 7, insert a full-stop at the end.

(xviii) In page 2, line 8, for "law in force" substitute "laws in force".

Shri Sarangdhar Das: I beg to move:

In page 1, line 22, add at the end:

"if the incitement is such as to cause a serious and imminent danger".

Sardar Hukam Singh: I beg to move:

(i) In page 1, line 22, for "incitement to an offence" substitute "incitement to violence".

(ii) In page 1, line 22, add at the end:

"which undermines the security of, or which tends to overthrow the State".

Shri Hussain Imam: I beg to move:

In page 1, line 20, after "foreign States" insert "grave danger to".

Dr. S. P. Mookerjee: I beg to move:

(i) In page 1, line 16, for "the State" substitute "Parliament".

(ii) In page 1, after line 35, add:

"Provided that where any such law affecting clause 6(ii) is a law made by the Legislature of a State, the provisions of this article shall not apply thereto unless such law, having been reserved for the consideration of the President, has received his assent."

(iii) In page 1, after line 22, insert:

"Provided that where such law is a law made by the Legislature of a State the provisions of this article shall not apply thereto unless such law, having been reserved for the consideration of the President has received his assent."

Prof. K. K. Bhattacharya (Uttar Pradesh): I beg to move:

(i) In page 1, omit clause 3.

(ii) In page 1, lines 19 and 20, for "friendly relations with foreign States" substitute "defamatory statements against the heads of the friendly States".

(iii) In page 1, line 22, add at the end, "involving violence or murder".

Shri Kamath: I beg to move:

(i) In page 1, lines 12 to 14, omit "and the said clause shall be deemed always to have been enacted in the following form".

(ii) In page 1, line 20, omit "public order".

(iii) In page 1, line 22, for "incitement to an offence" substitute "incitement to grave disorder or murder or violence".

(iv) In page 2, line 4, omit "or ever to have become void".

(v) In page 1, lines 19 and 20, for "friendly relations with foreign States" substitute "peaceful relations with foreign States".

Shri Goenka (Madras): I beg to move:

In page 1, line 22, add at the end "involving violence".

Pandit Kunzru: I beg to move:

(i) In page 1, for lines 18 to 20, from "in the interests of the security" to "morality" substitute:

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"in the interests of the security of the State, decency or morality or for the prevention of defamatory attacks on heads of foreign States or public disorder".

(ii) In page 1, line 22, for "incitement to an offence" substitute "incitement to an offence involving violence".

(iii) In page 1, after line 22, insert:

"Explanation.—The pre-censorship of news before their publication in a newspaper or other document or the banning of the entry of newspapers and other documents into any part of the territory of India shall not be deemed to be reasonable restrictions imposed within the meaning of this clause."

Shrimati Durgabai (Madras): I have given notice of an amendment but I do not propose to move it; I would however, like to speak on it.

Shrimati Renuka Ray (West Bengal): Similarly I too have an amendment which I do not propose to move, though I wish to speak on this clause.

Mr. Deputy-Speaker: It all depends on the time available.

Shri Damodara Menon (Travancore-Cochin): I have given notice of an amendment which another hon. Member has moved. Will I be getting a chance to speak?

Mr. Deputy-Speaker: I cannot say. Hon. Members will have to take their chance. I do not want to stand in the way of anyone taking his chance.

Well, the amendments that have been indicated are taken as moved and the general discussion both on the clause and the amendments will follow.

Shrimati Durgabai: I will be very brief in my observations as I will confine myself to the point which I have raised in my minute of dissent appended to the Report of the Select Committee. I am not really justified in going over the same points which I have raised and fully discussed in that minute of dissent. The point that I have tried to stress is that legislation in a matter relating to article 19(2) should be done exclusively by Parliament and my reasons for maintaining this stand I have explained in my minute of dissent and I need not repeat them here. In article 19(2) we have such items like public order, friendly relations with foreign States, security of the State and so on. As the House is fully aware, all these are matters imposing restrictions on the freedom of the individual and these

are matters which are all common to all the citizens of India and not particular to any particular State in India. Therefore these matters should be legislated on by Parliament and it is only then that we can have some kind of uniformity in these legislations. Moreover, in the different States there may be conflicting approaches to the same subject and there may be encroachments. And the legislation in one State may be influenced by local considerations or by the will of the majority party there. It is just to avoid these difficulties that I have suggested that exclusive power should be given to Parliament, that being the only remedy to allay the fears and apprehensions that exist at present.

The argument has been advanced that if this power is given to Parliament we will be curtailing the powers of the States or stultifying their importance. Those who advance this argument also ask us whether we are distrusting the States. May I ask them whether they are distrusting Parliament in this matter? They have no reason to, for after all Parliament consists of you, me and all of us who are representatives from the Provinces and States. I do not say that Parliament has superior wisdom, but at least they have there collective wisdom, the collective wisdom of all the representatives from the different States and this wisdom can be brought to bear on legislations touching upon article 19(2). Therefore I do not see any reason why there should be any distrust of Parliament in this matter.

Another argument that was advanced is that there are legal difficulties, that if you disturb something here, if you add a word or take away a word from here or there, you will be disturbing the whole arrangement. The critic who advanced this argument was mainly Dr. Ambedkar. He said that there will be legal difficulties; but he has not taken pains to tell us what are those legal difficulties and how they cannot be removed and whether they are insuperable. I wish he had explained this matter to the House. In the case of the clause relating to property it has been found possible to have an amendment. Can we not do the same thing here by bringing in suitable amendments in the Concurrent and State Lists? Dr. Ambedkar has not explained the nature of this difficulty and how it cannot be overcome and so this argument is under a handicap. I may mention that amendment in respect of article 29(2) was not contemplated originally, but it has been brought in later. Similarly this am-

endment can be made in the State and Union Lists and these difficulties avoided.

The Prime Minister was good enough to tell us and assure the House yesterday that exclusive power to Parliament cannot be given to Parliament in this respect due to these difficulties—which by the by, were not explained—but that a safeguard can be provided by saying that such legislation should come up for the President's consent. I do not know what safeguards are going to be put in and whether they will be accepted or not. It was also explained that it may not be necessary to provide such a safeguard because many of these items automatically are sent to the Centre for consultation. But apart from the moral obligation of sending them to the Centre, have you provided anywhere that these Bills should be sent to the Centre before they are enacted? Therefore even at this last minute I would appeal to the House and to the Prime Minister that at least this kind of safeguard should be accepted and provided for. It will not be difficult because you have already provided a proviso to article 31A. You have beautifully safeguarded the right to property by bringing a proviso to 31A. You have said any legislation by State will not come into operation until it comes to the President with regard to property. If right to property is so sweet, is it not right to safeguard the right of freedom of the individual? If you have provided for that, can you not have provided with regard to freedom or liberty of individuals? Is it for us to ignore this and say this might be done or that might be done?

The Press was assured yesterday by the hon. Home Minister that they will bring some comprehensive legislation and the Press seems to have been supremely satisfied. They are satisfied when they are given an assurance that a comprehensive Press Bill will be brought. What about the important matter affecting international relations or the security of the State? Are not individuals more than the Press and should you not do the same? Is it your intention to bring a comprehensive legislation at a later stage on every matter covered by article 19(2)? Why do you start the mischief and then try to rectify it? So, I would appeal that this safeguard at least should be provided—it would not be difficult and it would satisfy the House, and the public who have every reason to fear that the powers given might be abused and therefore I commend this proposal again to the hon. Prime Minister, the hon. Dr. Ambedkar and the hon. Home Minister.

Pandit Kunzru: I shall first deal with the words 'friendly relations with foreign States' in sub-clause (2) of clause 3 of the Bill. These words seem to me to have an interesting history. India was a member of the Committee on the Draft Convention on Freedom of Information which met at Lake Success in January and February 1951. The text of the draft permitted restrictions on freedom of information so far as it related to the communication of information affecting foreign relations. This was strongly opposed by the United Kingdom delegates and also by the United States but India supported it. When the objection of the U.K. and U.S. Delegations prevailed, the Indian delegate deplored the deletion of the provision relating to this matter and said: "It considered these provisions vital to a good-neighbourly policy and the promotion of national understanding". It is not surprising in view of this that we should find these words in the Bill before us. We have been repeatedly assured that all that the Government desired is to prevent defamatory attacks on the heads of foreign States. With that desire we all concur and it should be a very easy matter indeed then for Government to accept my amendment which would enable them to deal with all cases involving defamatory attacks on heads of foreign States. They can, if they like, expand this provision and punish those who defame the diplomatic and consular staff of a foreign nation. But there is no reason why the language should be as broad as it is in the Bill. In view of the repeated statements made by the Prime Minister and the Law Minister that all that was desired was that the heads of foreign States should not be vilified, I would ask the House to consider how these words may be construed. When the Foreign Relations Bill was introduced in the Indian Legislative Assembly in 1931, it contained a clause which ran as follows:

"Whoever makes, publishes or circulates any statement, rumour or report with intent to promote or which is likely to promote... unfriendly relations between His Majesty's Government and the Government of any foreign State shall be punishable with imprisonment which may extend to two years or with fine or with both".

Can a Bill containing these provisions be introduced or not in this Parliament if the words in the Bill are accepted? If it can be, then it is obvious that the power that we are giving to Parliament may be used for a purpose other than the prevention of defamatory attacks. It may be used for instance to stop criticism of foreign

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policy which appears very harmful to our External Affairs Ministry. The Prime Minister spoke with great vehemence on this subject the other day and said, rather asked us whether we were to sit with folded hands when something was being done that was imperilling good understanding between two countries and tending to create hostility between them. I should like him to remember that the relations between Hitler's Germany and the United Kingdom were not very cordial. Hitler repeatedly complained to the British Government of the criticism of his policy in the U.K. Press but the reply that the U.K. Government uniformly gave to Hitler was that their Press was a free Press and that they could not undertake to regiment it in any way. The opinion of the Press was not the opinion of the Government of the United Kingdom. And that should be enough to satisfy the German Government. I am not certain, in spite of the assurances given by the Prime Minister that he would not regard strong criticism of the policy of another State so harmful as to require his intervention. There is, in any case, the danger that later on some other Government may utterly misuse the power that is being conferred by Parliament today. I therefore strongly press for the deletion of the words in the Bill and the substitution for them of the words I have suggested.

Now I come to the words "public order". They too have an interesting history. When the Draft Convention on Human Rights relating to freedom of information was discussed last year in the United Nations, it was found that it allowed restrictions on the freedom of expression for the protection of public order. The representative of the U.K. strongly opposed this provision and said:

"In view of the recorded expressions of opinion by the Human Rights Commission as to the wide meaning to be given to the term 'public order', the article with the limitation allowed affords no guarantee of the freedoms which are its subject."

But India on this occasion too was in favour of retaining these words.

It cannot be said that the Government of the U.K. is not anxious to maintain public order in its territories or is careless about its relations with foreign States. Why should it then be necessary for us to cling to the words which other countries, which have for a longer time than India been in touch with foreign States and are

perhaps affected in a greater degree by matters concerning foreign relations than India, have objected to and considered unnecessary?

The hon. Law Minister in his speech the other day told us why in his opinion the use of the words "public order" was necessary. He referred to the judgments of certain High Courts in this connection. These judgments related to Master Tara Singh's case and two cases involving section 4 of the Press (Emergency Powers) Act. So far as Master Tara Singh's case goes the view taken by the Punjab High Court was that sections 124A and 153A of the Penal Code were so worded that they were not saved by clause (2) of article 19 of the Constitution. They therefore held that the action taken under these sections of the Penal Code for the maintenance of public order was not justified under article 19. I am glad that the Punjab High Court took this view. Had it not done so, as the U.K. representative said during the discussion of the Draft Convention on Human Rights in respect to the 'freedom of information, the rights of freedom of speech and expression would have been completely nullified. I gather from the report of the Press Laws Enquiry Committee that the position approximately in U.K. is that convictions for sedition are not obtained unless disturbance of public tranquillity is involved. So far as U.S.A. goes we all know that the Supreme Court follows the clear and present danger rule. In other words it does not merely see whether a technical offence has been committed, when any law restricting the freedom under Fundamental Rights is before them, but it also asks itself whether there is a clear and imminent danger of public disorder, if the conduct under its consideration were permitted. If we adopted the same course, I have no doubt that sections 124A and 153A of the Indian Penal Code would become consonant with the freedom of speech and expression conferred on all citizens by the Constitution.

Now I shall refer to the cases under the Press (Emergency Powers) Act. The retention of this Act does no credit to the Government of India. My hon. friend the Home Minister referred with approval to certain provisions of the Swedish Constitutional Law. I do not know where he got his information from for I could not find it in the Library. But the Constitution of Sweden contains a provision prohibiting the censorship of the Press or any action against the Press except after

a prosecution. If my hon. friend, the Home Minister regards the Swedish Constitution as a model, may I invite him to follow it in respect of the Press and do away with laws which enable the Government to demand security from the Press before trial and conviction in a court of law?

12 Noon

Coming to the cases to which Dr. Ambedkar referred, I find that the Madras High Court held that even a single incitement or encouragement to violence might be punishable notwithstanding article 19 of the Constitution. The Binar High Court took a different view. The Punjab High Court, while expressing an opinion on this matter, held that the book to which objection had been taken did not come within the purview of section 153A of the Penal Code. In view of this decision, any opinion expressed by it in respect of section 4 of the Press (Emergency Powers) Act can only be regarded as an *obiter dictum*. Thus we have here two High Courts expressing contradictory opinions. Was this not a suitable case for reference to the Supreme Court? Could not the President under article 143 of the Constitution refer the matter to the Supreme Court for its opinion? But this was not done and now we are asked to agree to a form of words that would make every provision in the Press (Emergency Powers) Act valid. For the reason that I have given I cannot agree to the phrase "public order" used in the Bill and I should like it to be replaced by the words, "prevention of public disorder". For that would clearly indicate that where the freedom of speech and expression was in question the Court should consider whether the matter complained of was of such a character as to create the likelihood of leading to public disorder. If other countries, not less responsible than India, follow such a provision there is no reason why India should be nervous about it.

Lastly I come to pre-censorship. I have already referred to the Swedish constitutional law on this subject. The position in the United States too is well-known. There pre-censorship of the Press has been declared to be inconsistent with the first amendment to the Constitution. If the Press offends against any law, if it is guilty of conduct that leads to the subversion of public order or in any way to jeopardise the security of the State, let action be taken against it by all means. The powers that Government have at their disposal, and the powers that they will have if proposed clause (2) of article 19 is passed in the restricted form advocated by me, will be quite enough to

enable them to deal with such cases promptly. In any case there is no justification whatsoever in normal times, that is when a proclamation of emergency is not in force, for the precensorship of news before their publication in a newspaper or for placing restriction on the circulation of a paper in any territory. For these reasons I have tabled an amendment that this explanation be added at the end of the clause:

"The pre-censorship of news before their publication in a newspaper or other document, or the banning of the entry of newspapers and other documents into any part of the territory of India shall not be deemed to be reasonable restrictions imposed within the meaning of this clause."

This relates to newspapers published here. The powers of the Government to deal with emergencies under the Sea Customs Act and the Indian Post Office Act remain. In an emergency they can take action under these Acts and submit the case then to the appropriate judicial authority for decision, but the clause as it is is so wide that a Government may use it with the consent of Parliament to stifle public discussion, to place serious restrictions on the liberty of the Press and to impose any restrictions they like, generally speaking, on the freedom of speech and expression.

For these reasons, I commend once more the amendments that I have moved. In view of what the Prime Minister said yesterday, there cannot be the slightest hope that any of them will be accepted, but I am certain that those Members of the House who do not belong to the Congress Party will fully agree with me in what I have said and will do what they can to press on Government the desirability, nay the necessity, of accepting the suggestions that I have ventured to make.

Mr. Deputy-Speaker: I would like to remind the House that so far as this clause is concerned, a number of Members are desirous of speaking. Therefore, I would request that those gentlemen who have already taken part in the debate during the motion for reference to Select Committee, then in the Select Committee, then during the general discussion on the motion for consideration of the Select Committee's Report may show some concession to the others who have not taken part so far.

Dr. S. P. Mookerjee: But there are those who have given notice of amendments. However, I will not take long, I will not repeat the arguments

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which I advanced on the last two occasions. The amendments which I have moved seek to confer the power of making laws in respect of article 19(2) on Parliament and in case that is not acceptable to lay down a clause that all laws which may be framed by the States will be subject to the President's assent and only after such assent has been given will such laws become valid.

Both the Prime Minister and the Home Minister have generally agreed with the soundness of these amendments. So far as I could gather from the Prime Minister's speech yesterday, all that stood in his way was any possible legal difficulty. I was, therefore, rather surprised to find from the reports in the newspapers this morning that a decision has been taken that neither of these changes will be accepted. Mine is, therefore, almost a last-minute appeal to Government to accept this very important and necessary change.

It was pointed out by the Prime Minister himself—I was reading his speech—that it is necessary that in respect of laws which may be passed restraining freedom of speech or expression, there should be some uniformity in the whole country. How is that uniformity to be obtained? It may be argued that executive directions might be issued by the Central Government which may be in the nature of requests. Well, such requests may be made; but it has been our experience also that in many cases such requests are not kept. Even so, it may be possible that there may be some States which may not be under the control of the same all-India political party. That all the more necessitates that such a restrictive clause should be embodied here.

Dr. Ambedkar, I am told, was the principal person who opposed it on technical grounds. Now you have seen, Sir, in the body of this Bill in a number of places the phraseology "notwithstanding anything contained in the particular Chapter of the Constitution" or "notwithstanding anything contained in the Constitution such and such a thing can be done" is used. Now I do not see what conceivable difficulty can there be to provide for this in the same manner. If we have the will to do it, well, we can always find the way for giving effect to it. The Prime Minister has been eloquent a number of times regarding the need for looking at the substance of things and not at mere words of the Constitution. Now here is a test case. For the interest of the country such a provision

should be made. Are we to be told that although we are all agreed on the general desirability of this change that this great power should be vested in Parliament, or at least some power of check should be left in the hands of the President, we are unable to accept such a change? I really am not prepared to accept that line of argument. I do not want to pursue this point further. But I would repeat to the hon. Prime Minister that if this change is made, it should make a very substantial difference. I am prepared to concede that by adding the word "reasonable" to restriction a big change has been made. And that in fact is the triumph of those who either opposed the Bill when it was originally introduced whether inside the Congress party or outside or those who criticised its provisions. I am quite prepared to admit that Government has made a very big change which has made the entire 19(2) clause justiciable. How the Supreme Court will function, or how far the future Parliament or Legislatures will function is not a matter on which I can digress, but here again let us make ourselves quite clear on one point. We have achieved quite a substantial thing, but there is still a big gap.

What has been done is that the restrictions, whether they are reasonable or not, will become justiciable, but whether restrictions can at all be imposed on some offences or not, or in the preparation of the list of offences, any offence has been wrongly included or not, are outside the court's jurisdiction. That was our objection and that is still our objection to make the expressions so wide, such as, in the interest of the security of the State, or friendly relations with any foreign State, or public order, and last but not the least incitement to any offence. Now no court will be able to say that incitement to a particular offence is barred; it may say if any restriction is imposed, whether that restriction is reasonable or not. That grave limitation is there. But even then we have achieved something.

About the danger of State Governments proceeding in any way they like, I shall illustrate by giving only two examples. I have got here the papers. Only last week in Jullundar (Punjab) a convention was held for the establishment of a new political party which has been announced in the papers—the Bharatia Gana Sangh. A week earlier the organisers of that meeting wanted to make necessary arrangements for that purpose. They

were told that section 144 was then in operation in Jullundar and that no meeting could be organised without permission. I shall be glad to have the ear of the hon. the Home Minister. His eyes are on me, but I would like to have his ear also. I was referring to a meeting which was proposed to be held in Jullundar a week ago.

The Minister of Home Affairs (Shri Rajagopalachari): It need not be repeated. My right ear was there.

Dr. S. P. Mookerjee: I want the hon. Minister's ear, eye and heart.

They were told that necessary permission has to be taken before the meeting could be held. They sent an application and only the day before the meeting permission was refused. Why?—in the interest of maintenance of public order! A convention which was proposed to be held in a closed hall to which admission was limited only to about 200 persons to whom cards had been issued was not permitted—for the maintenance of public order.

The Home Minister said yesterday that some people may misbehave, and that he will see that no abuse of such authority is made. Here is a specific instance, not from ancient history, but something that happened only four or five days ago. Two days later the Congress party wanted to hold a Conference in the same city of Jullundar for which permission had to be obtained and the permission was readily and willingly given.

This is a clear case of discrimination for political purposes done by a district magistrate, whether by himself arbitrarily or under the orders of any Minister or the Government I do not know. But the facts are here and the hon. the Home Minister can certainly enquire into them. But his enquiry will not lead us anywhere, because you are giving powers to State Legislatures and Governments to impose restrictions on a very wide scale and if they misbehave, if they abuse, you have no remedy for protecting the freedom of the people.

Take another illustration which arises out of the judgment of the Supreme Court. The Bombay Prohibition Act was declared valid by the judgment of the Supreme Court a few days ago, but some sections were declared void. I do not wish to go into details, but there are two or three sections in the Bombay Prohibition Act which not only prohibit doing of any act which will lead to the violation of the prohibition laws, but also

indirectly prohibit any criticism against the policy of prohibition. That is in the Bombay law. I have got here extracts from the judgment of the Supreme Court. The Supreme Court held that on account of the provisions under article 19(2), which we are proposing to amend today and to restrict people's rights such a prohibition is unconstitutional and *ultra vires*.

Yesterday the Home Minister argued very eloquently, but not faultlessly, on the desirability of checking the tendencies of people when they incite others to commit offences. Here, under the Bombay Prohibition Act, certain offences were created by statute, and one of those offences practically meant that you could not even go and agitate against the prohibition law. But suppose some people are against the principle of prohibition, are you suggesting that you will make it impossible even for such persons to do so? In regard to openly encouraging any illicit manufacture of liquor, I can understand. Up to that I am prepared to agree with him. But not to allow anything to be said with regard to this policy of prohibition is certainly completely arbitrary and totalitarian in character. But here is this particular law.

Shri Rajagopalachari rose—

Dr. S. P. Mookerjee: I can assure the hon. the Home Minister that I am a teetotaler completely.

Shri Rajagopalachari: I rise not to suggest that. I would be grateful to the hon. Member if he quotes the passage from the prohibition law, because I really wish to understand whether such a provision has been made about criticism. I think he is mixing up with advertisement.

Dr. S. P. Mookerjee: I am not mixing up with advertisement—I am not so slow as that. The sections are here. I thought I might shorten my speech. I shall read them. These are sections 23 and 24 of the Bombay Prohibition Act, 1949. Section 23 says "No person shall commend....."

Shri Rajagopalachari: Comment or commend?

Dr. S. P. Mookerjee: Commend. "No person shall commend, solicit the use of, offer any intoxicant or hemp,"—so far as the first portion is concerned it is all right—"or incite or encourage any member of the public or any class of individuals or the public generally to commit any act which frustrates or defeats the provisions of this Act, or"

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any rule, regulation or order made thereunder". The Supreme Court said that this is so wide in character that it cannot be held to be justifiable under article 19(2) of the Constitution.

Shri Rajagopalachari: Is it the hon. Member's contention that frustration of the Act should not be prohibited?

Dr. S. P. Mookerjee: What is my contention I shall discuss with the hon. Minister later on, but we cannot carry on this conversation. The Home Minister is an astute parliamentarian and I am sure he knows that we cannot carry on a conversation like this.

In the opinion of the Supreme Court it is extremely wide in character. There is another section in the Bombay Prohibition Act which provides that it will be open to any police officer to arrest any one who violates any of the sections of the Bombay Prohibition Act and keep him in detention without producing him before a magistrate for a period of fifteen days. That has also been declared *ultra vires* because it is an unwarranted interference with the liberty of the people.

Mr. Deputy-Speaker: Does it say "no comment" generally?

Dr. S. P. Mookerjee: Anything which may frustrate the provisions of the prohibition law.

Shri Rajagopalachari: My interruption would have been of no value if it could not produce this much. It was not fair on the part of the hon. Member to say that the Bombay Government had in that Act prohibited criticism.

Dr. S. P. Mookerjee: What I said was that the wording is so wide in character that prohibition of criticism may be included in it. That is the trend of the Supreme Court Judgment also, and this whole section has been declared *ultra vires*.

Later on, section 24 says that "no person shall print or publish in any newspaper, news-sheet, book, leaflet, booklet or any other single or periodical publication or otherwise display or distribute any advertisement or other matter—which is calculated to encourage or incite any individual or class of individuals or the public generally to commit an offence under this Act, or to commit" any breach of the provisions of this Act or to violate any of the conditions under this Act. You see, Sir, that the wording is so wide here that it may well mean that even criticism of the policy of prohibition may come under this clause. In fact it has happened and a warning has

been given to many people. But I need not go into those details. I am just giving you illustrations. By making your wording so wide you will make it possible for State Legislatures to pass laws which may completely take away even the freedom of individuals to criticise State policy in respect of matters where honest difference of opinion can legitimately be held and should be expressed.

Yesterday the hon. the Home Minister referred to Swedish law. We have been roaming so much throughout this, civilized and uncivilized, world—United States, England and France, China, Russia, Spain, Germany and everywhere—that it was left to the Home Minister to come to Sweden yesterday! And he read out some extracts from some laws which introduced great restriction on the freedom of the Press. And he, rightly or wrongly, pointed out that the Government of India was extremely cautious and its provisions were not so wide as in the Swedish law. But the hon. the Home Minister forgot. I take it, to place before the House the wording of section 86 of Swedish Constitution. What he read out yesterday were, I take it—I could not get those laws—laws passed by the Swedish Legislature in 1948. But I do not know whether actually that is the law or that is the draft of a law, because the actual Press law which has been passed in Sweden is not incorporated in this latest book. Whether the hon. the Home Minister has access to the latest law is more than what I can say. I could not lay my hand on it. In any case it would be relevant to refer the Home Minister to the provision in the Swedish Constitution, and I for myself would be quite prepared if a similar provision is made in our own Constitution. I do not know whether the Home Minister will be prepared to stand by it, but I am prepared to stand by Sweden along with the Home Minister if he is prepared to stick to what he said yesterday. Section 86 of the Swedish Constitution says:

"By freedom of the press is understood the right of every Swede to publish his writings without any previous interference on the part of public authorities."

This is unrestricted, absolute right; any pre-censorship is completely prohibited and banned. I wish a similar provision had been made in our Constitution.

Hon. Members: He has already assured that.

Dr. S. P. Mookerjee: The value of verbal assurances is known to the hon. Members who are interrupting me.

Shri Rajagopalachari rose—

Dr. S. P. Mookerjee: I do not like to be interrupted. He will speak later on.

Shri Rajagopalachari: Assurance only was possible yesterday. We could not make a law yesterday.

Dr. S. P. Mookerjee: If the hon. Minister pleads his inability to pass the law, why not amend the Constitution today and accept it? If the will is there that will be done.

What is it that the Swedish Constitution lays down? A part of the freedom is unrestricted. No Legislature has a right to abridge it. It continues:

“that of only being prosecuted afterwards before a regular court on account of the contents of his publication, and that of not being punished unless such contents are in conflict with a law enacted to preserve public peace without restricting public enlightenment”.

These are very enlightened words, that the right of the Legislature will undoubtedly be there to secure the interests of public peace but that it will not abridge the right or restrict in any way public enlightenment.

It is no use our quoting foreign laws. *(Interruption).* This is not my copy. This is from the Parliament Library. If the hon. Minister is prepared to amend it now I am certainly prepared to hand it over to him. In any case I felt rather perturbed, I must say, by the way in which the Home Minister developed this question. He referred to some Swedish law which I could not lay my hand on, which apparently lays down that even Ministers or their activities may not be criticised or in any case there must not be a disobedience of authority, including the authority of Ministers. That will be a most dangerous principle for anybody to lay down, and the hon. Minister said.....

Mr. Deputy-Speaker: I understood him to say that there ought to be no incitement asking people to disobey civil laws or military laws.

Dr. S. P. Mookerjee: He came to the question of Ministers and when he was interrupted he said that Ministers may be removed at the time of election and when somebody said “suppose that does not take place”, then he said “the Prime Minister can remove

him, but so long as the Minister is there, obviously the orders which he passes have got to be obeyed”. That is supposed to be the Swedish law, but that certainly must not be the Indian law. We do not want that that sort of privilege should be claimed by Ministers or by Government. As the Prime Minister put it yesterday, there should be no ban to public criticism. Really the restrictions should come when there is any clear danger of public disorder, where there is a menace to the security of the State. Unless we keep this border line very clear in our minds, what is it that we will succeed in doing? Criticism will be made and you can make as many offences as you will under the law. You can make it penal. You can say that incitement to any offence will be punishable but you will practically be encouraging people to commit offences, which, obviously is not the intention of the Government or of Parliament. If we lay down specific restrictions within which freedom of speech and expression is to be exercised, reasonable restrictions which will prevent disorder or endangering the security of the State, we can understand. But the very broad way in which this has been put is certainly most disturbing.

Then, I come to foreign relations. I do not know if the Prime Minister's attention has been drawn to a Press message which has been published in a Delhi journal today. It reached my hands only this morning. This relates to a message which was sent by Mr. Shiva Ram who belongs to the P.T.I. and who lived in China. In November 1950 he sent a message which was factual, stating the conditions then in existence in China, of course, criticising in many places the way in which the Communist Government was conducting itself and how its activities might not only threaten the peace of Korea but may also affect world peace. But this was not complimentary to the Chinese Government. This message came to India and a clear allegation is made in this newspaper that it was at the instance of the Prime Minister or of the Cabinet Committee or of somebody in authority that this particular message was not allowed to be published. Of course, the Government viewpoint was communicated to the P.T.I. and the P.T.I. representatives who sit here valiantly fighting for their rights are supposed to have succumbed to the suggestion made by the Government and the entire message was suppressed. Now, here, I am not concerned with the details of this message but here was a criticism which was made by an Indian who was in

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China with regard to affairs in China, may be not complimentary to the Chinese Government.....

Shri Jawaharlal Nehru: May I say that the statement is roughly speaking 99.9 per cent. completely wrong.

Dr. S. P. Mookerjee: I am glad to hear that the statement is wrong. I cannot possibly take the responsibility of making any reflection on anybody. This came to my hands only last night and what I felt was that if any attempt is made by Government in the name of maintaining friendly relations with foreign States.....

Shri Rajagopalachari: We have not interfered with that kind of stuff even.

Dr. S. P. Mookerjee: Now that the Prime Minister has contradicted this, perhaps he will say more about it in his reply when the time comes. I shall hand over this copy to him. I do not know whether he has seen it. In any case so far as the friendly relations with foreign States is concerned, the Prime Minister and the Home Minister agree that their intention was only to restrict to defamatory statements affecting heads of States and we also were agreeable to accept that position. In fact the Select Committee also agreed to it. But then later on the Select Committee agreed to add the word 'reasonable' before "restriction". And these amendments were withdrawn by Government. This matter, I submit, should not be treated as a matter of bargain. It is not a question of the Government once agreeing to concede something and later on because the Government conceded to give something else, the first concession should stand withdrawn. These are vital questions of principle on which there is a genuine doubt in the minds of many people who are opposing the Government today. They may be abused especially because they will be kept in the hands of the State Legislatures. We wanted to restrict the application of all these categories to cases which were genuinely needed for the protection of civil liberty or the real interests of the country.

The other day, I was interrupted by an hon. Member when I referred to the American law and he asked to which year that law referred, and whether the law I quoted was the same as it stands today. I have been told the American law as it stands today is the same, and the extract which I read out the other day still continues to be good law in America, which means that there is no such drastic power given under the American law to deal with criticisms against foreign States.

Before I take my seat, I once again request the Prime Minister to consider the main purpose of my two amendments with regard to the substitution of the word 'Parliament' in the place of 'State' or if that is not possible, at least to provide that the laws passed by the States in this behalf will be subject to the President's assent. If that is done, it will, to a great extent, remove the difficulties which stand in our way

The Minister of Law (Dr. Ambedkar): My only excuse for intervening in this debate is to clear certain points which relate to the constitutional provisions which are necessarily involved in the amendments which have been tabled. In the first place, I propose to deal with the two amendments together: the first amendment is that Parliament should have the exclusive power to make laws under the provisions which are now being introduced in the proposed clause (2) of article 19 and the second is that, if that is not possible, the President should have the power to give his assent to any law made under this new proposed clause, and unless that assent was given, that law should not be deemed to be valid.

With regard to the question of bringing in Parliament, there are two aspects to the matter which, I think, it is desirable to consider carefully. One is this: Is it possible to give exclusive power to Parliament to make a law in a field which is covered by the new clause (2)? On this matter, I should like to invite the attention of the House to article 368 which deals with the amendment of the Constitution. That article specifies certain classes of amendments to the articles of the Constitution which would require the ratification of the States before the amendments could be deemed to have been validly passed. I do not propose to go over all the different categories that have been set out in article 368. I content myself by reference to only one and I refer to Chapter I of Part XI. Article 368 says that if any article which forms part of Chapter I of Part XI is amended, then such an amendment will require the ratification of the States. It will be noticed that article 246 clause (3) falls in Chapter I of Part XI. That article says that the States shall have the exclusive power to make laws in relation to any entry in List II, which means that Parliament shall not have the power to make laws with regard to any item in List II. If Members of this House would refer to List II, they

will notice that Entry 1 in that List refers to public order. Public order is one of the categories of heads of legislation which we are introducing for the first time in clause (2) of article 19, by this amending Bill. It is therefore quite clear that if you were to give Parliament power to make law in respect of public order which is included in List II, and which according to article 246(3) confers exclusive legislative jurisdiction upon the States, then it is obvious that such an amendment would require the ratification of the States. Now the intention of the Government as well as of this House, I think on this point is quite clear, namely, that we do not propose to make any amendment to any clause which would require the assent or the ratification of the States. From that point of view, I think, all those who have tabled this amendment would agree that it is not possible to accept that amendment without involving this particular Bill in a great difficulty which it would not be possible for this House to overcome within the time within which we propose to carry through this measure.

As the Prime Minister said yesterday, all of us have sympathy with the proposal, namely, that if it were possible Parliament should be given the power to legislate. We have also sympathy with the suggestion that the President may have the right to give his assent before the Bill becomes law. But the question that has to be considered is, is such a thing necessary? Is it not contained in the very provisions of the Constitution? Now, let me refer hon. Members to the heads of legislation we are introducing in the present clause and the place they have in the various entries in Schedule Seven.

Take the security of the State. There is no particular entry of this nature—security of State—for the simple reason that the security of the State can be affected by a variety of entries and the power is necessarily distributed under different heads. At the same time hon. Members will see that entry 1 of List I is a very relevant entry so far as the security of the State is concerned. Take the second head—friendly relations with foreign States. That is covered by entries 9, 10 and 14 in List I. Take the third head—public order, decency and morality. That is in entry 1 in List II.

Dr. S. P. Mookerjee : What entry?

Dr. Ambedkar : It is entry 1 in List II to some extent. And so far as newspapers, books etc. are concerned

it is also related to entry 39 in List III. Contempt of court comes in entry 95 in List I and also in entry 14 in List III. Defamation is in entry 1 in List III. Incitement to an offence is in entry 1 in List III.

Now having had this information before the House, I think the House will understand that in the large majority of the cases since the entry either falls in List I or in List III, Parliament has in some cases the exclusive authority to make law, in some cases concurrent authority to make them.

Dr. S. P. Mookerjee : Will the hon. Minister be more specific? Where is the concurrent power to pass laws regarding public order?

Dr. Ambedkar : With regard to public order, there is another entry—39 in List III—which speaks of books and newspapers. Newspapers are very much concerned.

Dr. S. P. Mookerjee : The hon. Minister is arguing that with regard to certain matters—in fact with regard to all the matters either Parliament has concurrent jurisdiction or has exclusive jurisdiction. I would like him to be more specific.

Dr. Ambedkar : I am giving the entries.

Dr. S. P. Mookerjee : Public order?

Dr. Ambedkar : The large head for public order is entry 1 in List II. Newspapers may also come under public order.

Dr. S. P. Mookerjee : It is not.

Dr. Ambedkar : The point is this. Some law has to be related to some entry. How is the authority of Parliament or the authority of a State to be determined to make a law?

Dr. S. P. Mookerjee : Will the hon. Minister admit that Parliament has no concurrent jurisdiction in respect of laws relating to public order except newspapers? Let us have it clearly.

Dr. Ambedkar : Yes.

Mr. Deputy-Speaker : The hon. Minister does not say that every item is in the Concurrent List.

Dr. Ambedkar : A large majority of them is exclusively in the jurisdiction of Parliament and in some cases the jurisdiction is also concurrent. Therefore my submission to the House is this that nothing is necessary for the purpose of investing Parliament to make a law in the fields which are

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mentioned here as exclusive right of legislation. Parliament has, in certain cases, got also concurrent power so that it can check any abuse that the Provincial Legislatures may make of the power that we are conferring.

Dr. S. P. Mookerjee: What is the power regarding incitement to offence under the Concurrent List?

Dr. Ambedkar: It comes under the Penal Code. Incitement to offence is a specific offence in the Penal Code.

Dr. S. P. Mookerjee: The hon. Minister should read to the House entry 1 of.....

Dr. Ambedkar: I cannot yield to him just like he did not yield to the hon. Home Minister. This is not a lecture room and I am not lecturing to the students either. I am making my point. If my hon. friend wants an exposition we can meet somewhere—in the Constitution Club—and I shall be prepared to lecture to him.

Mr. Deputy-Speaker: All that I can say is the hon. Member contends that entry 1 in List II—State List—only relates to public order and this is not covered. Incitement to offence is in the Penal Code. If he is not satisfied, he can draw his own inferences.

Dr. Ambedkar: It is open to you to say that this does not cover public order.

Mr. Deputy-Speaker: All that the hon. Minister wants to show is that with respect to the majority of the offences, they are either in the Union List or in the Concurrent List. The minority may be more important than the majority.

Dr. S. P. Mookerjee: The hon. Minister stated that incitement to offence comes under entry 1 in the Concurrent List but that item reads like this:

“Criminal law, including all matters included in the Indian Penal Code at the commencement of this Constitution but excluding offences against laws with respect to any of the matters specified in List I or List II and excluding the use of naval, military or air forces or any other armed forces of the Union in aid of the civil power”.

Dr. Ambedkar: I will not give in. I would like to finish my speech before one o'clock.....

Dr. S. P. Mookerjee: It means that there will be no incitement to any offence which comes under public order in List II.....

Dr. Ambedkar: I am not running away from that point. I am very much interested in it.

Dr. S. P. Mookerjee: I know you are.

Dr. Ambedkar: Yes, I am.

I now come to the President's assent. Under article 200 of the Constitution the Governors or the Rajpramukhs of the different States are empowered to withhold their assent from any particular Bill and refer it to the President. That provision already exists. Naturally the Governor has to act on the advice of his Ministers and if he felt that a measure should be reserved for the consideration of the President, the power is already there. No new power is required. But it may be argued that this power is in a sense nugatory, because it depends upon the advice given to him by the Ministry and the Ministry which has been a party to a measure cannot be expected to give their advice to the Governor to refer the matter to the President.

There is also another article 254 which deals with the laws in the concurrent field and that article says that if there is any inconsistency between any law made by Parliament and a similar law on the same subject made by a State Legislature, then to the extent of the repugnancy and inconsistency the law of the State shall be void. There is in addition to that a further provision in clause (2) of that article that if such a law, which is inconsistent with the law made by Parliament on the subject, is reserved for the assent of the President and the President gives his assent, notwithstanding the repugnancy the law shall remain valid so far as that State is concerned. So far as our experience in the Law Ministry goes almost every State has got the fear that their law may be declared to be inconsistent and hence void. In order to prevent this contingency the States have always taken the safest course to refer all these measures to the President for his consideration and assent and his assent has generally been given either in the form in which the Bill stands or with some modifications. Therefore my submission is that so far as the Constitution is concerned, articles 200 and 254(2) contain enough safeguards to see that such measures do reach the President and receive his consideration and assent.

Shrimati Durgabai: Under what procedure?

Dr. Ambedkar: I was just referring to it. Under article 254(2).....

Shrimati Durgabai: How?

Dr. Ambedkar: I know some people have got a bee in their bonnet. On all these three counts I submit that all these amendments are quite unnecessary.

I propose to deal with some of the points raised by my friend Pandit Kunzru. So far as his amendment dealing with change of words is concerned, his words I suppose are merely poetical alliterations and I do not think there is any substance in them. whether you call it friendly relations or by some other words: the substance and the head of legislation remains what it is. I am therefore not prepared to spend my time in dealing with them.

But he has been making a great deal of capital with regard to the American case which he can never forget namely *Near versus Minnesota*. It is true that the U.S. Supreme Court nullified a law which had made previous restraint as unconstitutional. But with regard to that case I think it is not desirable to fix our banner and standard by the decision that was given, because I would like to draw my learned friend's attention to some of the incidents with regard to that particular case. I have a book with me and I shall give the name. I know that Dr. Mookerjee is very careful in pursuing these matters. The book is *Free Speech in the United States*. There are various other books also which he must have known. Now with regard to this particular case the first point which the American writers have themselves noted is that it is a decision which was arrived at by a bare majority of one single judge; it was a decision which was given by five to four. The second thing is that at page 380 the writer himself has said that on account of this very narrow majority—

“The *Near* case had no immediate effect beyond voiding the Minnesota statute, which is said to have grown out of a nasty local situation.”

I would also like to read to him a portion of the judgment delivered by the chief of the dissenting judges which I think is worth quoting. This is what Mr. Justice Butler who headed the minority said:

“It is well known.....that existing libel laws are inadequate effectively to suppress evils resulting from the kind of business and publications that are shown in this case. The doctrine that measures such as the one before us are invalid.....as previous restraints.....exposes the peace and good order of every community and the business and private affairs of every individual to the constant and protracted false and malicious assaults of any insolvent publisher who may have purpose and sufficient capacity to contrive and put into effect a scheme or programme for oppression, blackmail, or extortion.”

That also is a demand which must be taken into consideration in dealing with the liberty of the Press. The other thing which my friend has been harping upon all along is the phrase used by Justice Holmes in dealing with cases relating to freedom of speech which is called “clear and present danger”. I have been trying to find out whether that is a very new doctrine so far as we are concerned. I suppose our judges also adopt the same doctrine. Supposing, for instance, a professor delivered a lecture on communism in the Delhi University to the students. I do not suppose, although he may mention to them the violent methods that the communists adopt in order to achieve their object that anybody would hold that merely because he delivered a lecture to the students he was guilty of any offence. There was no “clear and present danger” and I have no doubt about it that our judges also would uphold the same line of reasoning. Therefore, as I said, I do not understand why our friends are abiding so much by certain catch phrases and certain decisions of the courts in the United States.

I will now deal with the question of confining “incitement” to violence and I want my friends, Dr. Svama Prasad Mookerjee and also Pandit Kunzru to pay some attention to what I am saying—and I will take some very particular cases. First of all, I would like to know whether they are in a position to give a precise definition of the meaning of the word “violence”. What is “violence”? Is it to be confined merely to physical violence?

Dr. S. P. Mookerjee: Violent words are excluded.

Dr. Ambedkar: I am not talking of violent words. Have they been able to give us any precise definition which,

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would enable the legislature and the court to know that this is violence and this is not violence? I cannot find any.

Shri Kamath: Put it as "as defined by law".

Dr. Ambedkar: It is only postponing the trouble. Some day when we make the law we shall have to give the definition of "violence".

I come now to specific instances. Supposing, for instance, there is trouble—I am giving some concrete cases which have happened—and there is trouble between the Scheduled Castes and caste Hindus in a particular village and the caste Hindus conspire together to proclaim a social boycott on the Scheduled Castes, preventing them from obtaining any kind of supplies, preventing them from going into the fields, preventing them from going into the jungles to collect fuel, then I want to know from Dr. Syama Prasad Mookerjee and Pandit Kunzru whether they want this, as an offence, to be regarded by the State as such or not.

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Shri Naziruddin Ahmad: Doctors differ in this respect.

Dr. Ambedkar: I shall give another illustration which was recently reported in Bombay. In a place near Thana there was trouble going on between caste Hindus and the Scheduled Castes over the taking of water from a particular well. With the help of the police the Scheduled Castes there were able to secure their right to take water from that well along with the caste Hindus. The caste Hindus did not like the matter. They wanted the well to be exclusively used by them. Two days ago there was a report in the Bombay Press wherein it was stated that some caste Hindus incited some of their men to drop into it some kind of poisonous weeds. The result was that the whole water was poisoned and some of the Scheduled Caste people who drank the water suffered from the effect of the poison. I want to ask both of them whether they would limit their definition of incitement to violence, or whether they would extend it to cover where one community does something in order to harm and injure another community.

Dr. S. P. Mookerjee: In such a case you and I will go there to prevent it.

Dr. Ambedkar: You and I cannot go everywhere. You will be engaged in

fighting the elections and I may be doing something else and we will have no time to go to the rescue of those people. It is no use taking the responsibility on our shoulders. It is much better that the law provides for it.

Then, with regard to particular laws, I and my colleagues on the Treasury Benches have been shouting time and over again that in this Bill what we are doing is to merely confer capacity on Parliament to make laws for certain purposes. We are not enacting particular laws. We are not even protecting the laws as they exist today. But somehow Members who are determined to oppose, Members who are determined to take the opposite view—if they will forgive me—out of pure obstinacy are not able to make this distinction between capacity to legislate and making a particular law.

Dr. S. P. Mookerjee: The obstinacy is yours not to understand.

The House then adjourned till Half Past Three of the Clock.

The House reassembled at Half Past Three of the Clock.

[MR. SPEAKER in the Chair]

Shri Kamath: Sir, before the House resumes the debate may I request you or the Leader of the House through you to arrange that in view of the importance of this particular clause the Attorney-General may be present in the House so as to enable him to participate in the discussion on the clause, as was done on the occasion of the Preventive Detention Bill last year?

Secondly, may I request you to extend the time allotted for the discussion of this particular clause?

Dr. S. P. Mookerjee: One of the main questions raised today was whether power should be given to Parliament or whether the President should be given the power to give assent to the Bills which may be passed by the States under article 19(2). The Leader of the House generally agreed with the soundness of the principle, but the difficulty has been pointed out with regard to the legal implications of it. Therefore, if the Attorney-General is here and if he helps us in arriving at some decision, perhaps that will be helpful to all concerned.

Mr. Speaker: I do not know, but so far as I believe the Attorney-General is in Bombay. Is he here in Delhi?

Shri Jawaharlal Nehru: The Attorney-General is in Bombay. But I need hardly say, Sir, that every step that we have taken in this or any legal matter is after consultation with the Attorney-General.

Shri Kamath: There was a Press report that the Supreme Court Bar Association presided over by Mr. Setalwad has passed a resolution against this Bill.

Mr. Speaker: Whatever it may be, in any case the request is coming too late.

As regards the extension of time, I am afraid it will upset the entire time-table. I had put the proposition to the House informally when the question of extending the debate by one day was taken into consideration, and I take it that the House was in substantial agreement that two days should be sufficient. Now if we extend the time for this it means the extension goes further and we extend the time of the whole discussion. That is how it stands.

Dr. S. P. Mookerjee: No. The suggestion is that we finish tomorrow by 6-30 P.M. as we have decided, but the discussion on clause 3 of the Bill may continue for the rest of the day and we deal with the remaining clauses tomorrow and we finish the whole thing by 6-30 P.M. tomorrow. We do not change the time-table.

Mr. Speaker: The position then will be that if the time is extended on this that means a curtailment of the time so far as the other clauses and the third reading are concerned. I do not know whether hon. Members would all agree to that.

Hon. Members: It will upset the programme.

Shri Hussain Imam: It is possible to redistribute the time.

Mr. Speaker: I quite agree. But this means an undue proportion of time to this particular clause. There may be many hon. Members who wish to talk with reference to clauses 4, 5 and 14 which deal with the acquisition of property. There are many things of that type. I am afraid the best course will be not to press upon the extension of time and speak according to the time-table so that we may come to the end of the whole Bill according to the time-table.

There is also another proposition to the one in my mind. I do not know whether clauses 4, 5 and 14 can or cannot be put together for voting.

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Shri Hussain Imam: That is what I was saying. By that we will get half an hour or more by avoiding two divisions if we combine the three together. We will be quite prepared for it.

Mr. Speaker: I am not quite sure about that, because when I made a suggestion, a point was made and I have promised already that even if a single Member wants that the clauses should be put separately, in respect of these particular clauses, because they are important,—not as regards the other clauses which I call formal but which others do not choose to call formal—I shall do so. I do not think I can refuse the request if anybody presses it. But is the House unanimous on this point?

Shri Hussain Imam: Yes, we are.

Mr. Speaker: I am asking the House. Who wants extension of time? I do not think a good number is agreeable. So I have to call upon the hon. the Leader of the House to reply and I shall put all the amendments taking them as having been moved.

Prof. S. L. Saksena: May I know whether those who have moved amendments will not be allowed to speak on them? Will no time be allowed to them to speak on their amendments?

Mr. Speaker: Not on this clause now. The time-limit for this clause is finished.

Shri Kamath: His point, Sir, is, will not those who have moved amendments get a chance to speak on them?

Mr. Speaker: Moving an amendment does not give an absolute chance to speak.

Shri Kamath: Not absolute, but reasonable?

Mr. Speaker: My difficulty is this. If it is a case of one Member I could have considered the extension by ten minutes. But I have here eleven hon. Members in whose names some one or other amendment stands. And I cannot pick and choose.

Shri Kamath: You may give five minutes each.

Mr. Speaker: Even that means one hour. The view which I am taking is, and I was saying it from the very beginning, let the remarks be restricted strictly to the particular point in respect of the amendment. But now I find that one hour and thirty-eight minutes were taken between four speakers. How is it possible to go at that rate? I should not mind some extension just to give a

[Mr. Speaker]

chance, but I am sure and I have no doubt in my mind that out of those eleven speakers I will not be able to deal with even four—even if I extend the time by one hour. That is the difficulty. And, apart from the repetition of arguments, I think, it is unfair that only a few should get a chance. If all are to be given a chance it is physically impossible to reach the target. That is the position. Members may agree to five minutes, but it is never adhered to. I do not think I should accept that. The best way therefore is not to disturb the arrangement. I shall call upon the hon. the Leader of the House.

Shri Jawaharlal Nehru: This particular clause has been considered and debated at various stages of this measure, so that I do not think I can say anything more or throw any further light on it. There are only two or three points which I might mention. The first point on which stress has been laid by some hon. Members and colleagues is about this question of Parliament dealing with this matter and not the State Legislatures. Well, my colleague, the Law Minister, has dealt with this matter at length. I will put it even lower than he has done and say this that if there is any doubt about the matter, even so we should not do something which involves that doubt. It is not the principle I am against, as I said previously, but rather the fact that we might do something which might be considered doubtful or which might be challenged as not right in terms of the Constitution. I do not think it will be right for us to take such a step which may create an unpleasant situation, at any rate, in certain circumstances. Why we decided, so far as I am concerned, against my will, if I may say so, not to have this word 'Parliament' there instead of 'State' and as regards the President's assent the difficulty was not so great and Dr. Ambedkar has dealt with that matter fairly thoroughly. In effect, as he pointed out, all such matters which deal with concurrent legislation, and I think all such matters as are at all likely to come under these amendments, are bound to come here and so far as we are concerned, we shall see to it, in so far as friendly and executive direction goes, that they do come here, to avoid any conflict of laws or any lack of uniformity or anything being done in a hurry. We certainly intend taking that step and I am quite sure that all State Governments would readily agree to it.

Then, this clause has been chiefly dealt with in regard to the freedom of the Press. For my part, I am exceedingly glad that these debates have taken place on this subject which I consider of the highest importance; not only that, but from a relatively limited point of view, which has been expressed by some of the representatives of the Press here, and even wider point of view, because the Press is bound to continue to be a very important organ of public life and it is right that we should understand it in all its implications, we should give it not only freedom but understand that freedom and understand how that freedom is exercised. I suggested yesterday that it might be desirable for the side of the Press to be examined by representatives of the Press as well as others. And thinking about it this idea developed in my mind and I think it might well be desirable, and now I am referring not to the immediate issue about what is sought to put restraints on the Press, which as I said, we have no intention of bringing about, but the larger issue of the Press, and something, some kind of enquiry such as takes place in England by a Royal Commission there which might be productive of good for the Press and good generally for the development of this very important aspect in public affairs. That is something which deserves the consideration of this House and the Government will also consider it from this larger point of view. So I shall not say anything more about the Press except again to say that these various references to foreign affairs, I confess, have seemed to me to be very much beside the point. It is perfectly true that the phrase we have put in—friendly relations—is a wide phrase. We put it in because we thought it might serve our purpose and any other phrase it seemed to us not quite proper in the sense that it was far better to talk about friendly relations here and lay stress on a positive aspect of policy rather than the negative of it that we shall stop that and so on and so forth. I can assure the House that in regard to foreign affairs there has been and there is going to be, so far as I am concerned, not the slightest interference with any expression of opinion or criticism of our internal policy or external policy or the policy of any other foreign power. Dr. Mookerjee referred to a recent issue of a weekly which apparently is published in Delhi. I saw that too, I think,

yesterday and I was greatly surprised to read it because many of the facts contained in it were completely new to me. In fact they were no facts at all. I shall briefly refer to that. I shall read what it says:

"The Press Trust of India, losing their nerve at an Indian journalist's daring to paint a picture different from that officially prescribed by Mr. Nehru, referred the message, before releasing it, to the Foreign Affairs Sub-Committee of the Cabinet. Mr. Nehru and Mr. N. G. Ayyangar, it is believed, favoured suppressing it; Sardar Vallabhbhai Patel and Mr. Rajagopalachari considered that it should not be concealed from the Indian public and the world's Press. The dissenting views were conveyed to the Press Trust of India, who decided on suppression. Reuters abided by this suppression and a message sent by an Indian journalist to the Indian public was released for publication only in Australia."

This apparently presumes that there is intimate contact between the Press Trust of India and the Foreign Affairs Sub-Committee of the Cabinet and that the Press Trust of India refers matters to the Foreign Affairs Sub-Committee of the Cabinet. So far as I am concerned, this particular message, I have read for the first time in this issue of this periodical. I have never seen it previously. I had heard of it but I had not seen it. Of course, we had had nothing to do with this or any other message. I never heard of it. So far as I know my colleague the Home Minister never heard of it. I am quite certain that Sardar Patel knew nothing about it and so far as any consultation with Mr. Gopalaswami Ayyangar is concerned, it has never taken place. The whole thing is a tissue of untruths but what happened not in regard to this message but generally about this matter, I shall place before the House. In regard to this message I enquired today. What happened was this: A representative of the P.T.I. went over some time to our Foreign Office and consulted the Secretary General there about it. The Secretary General sent a note to me. I shall use his own words: It is absurd to talk of censorship. "On receipt of this message Mr. so and so of the P.T.I. saw me and sought my advice as to whether publication of it would be helpful. I told him that I did not think it would and he went away. It was for him to decide to publish it or not. Then so and so

advised his General Manager accordingly and so on." He decided not to publish it. Then I know nothing about it nor any Member of the Cabinet or of the Government.

Normally, and it is quite natural everywhere I suppose, every Foreign Office tries to keep in friendly contact with the Press to give them information and not to get information from them or stop it. In fact at the instance of Mr. Deshbandhu Gupta some kind of liaison committee with the Foreign Office was instituted by the All India Newspaper Editors' Conference. I welcome that and sometimes we meet together and we discuss matters and we tell them things which do not normally appear in the Press; we give them background etc. to add to their own information and they rightly treat that information as confidential except for the background purpose. Apart from this, to the Foreign Office sometimes the journalists come, the newspapermen come to talk with the Secretary General or Foreign Secretary or some other Secretary; sometimes my colleague, the Deputy Minister meets them to discuss these various matters. In the course of these talks apparently, this representative of P.T.I. placed his message before the Secretary General and asked his general opinion as to what he thought about it and the Secretary General then said that he did not consider it helpful in the circumstances, whether rightly or wrongly, is immaterial. I did not know anything about this message at all. But a number of messages appeared round about this time, a little before and a little after, in the Press from the P.T.I. correspondent about conditions in China. Some of these messages seemed to me not to be quite balanced judgement. I do not stop them; I am only stating my opinion to the House and it seemed to me particularly unfortunate that anything that the correspondent wrote should have been written not from China itself but after coming to a place like Hong Kong which is a very peculiar place today, a hotbed of the opponents and enemies of the Chinese Government collected there together and naturally full of rumours, and I thought that was not a very good place to write these messages. Of course a man need not be affected by these, but the mere fact that a message emanated from there would be criticised I thought by people. Hon. Members may remember long ago there was that place on the Russian border—Riga—from which all kinds of messages came. Recently all

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kinds of messages used to come from Kalimpong about Tibet, exaggerated messages from all kinds of people. We amongst ourselves expressed this view that this method was not a very helpful or a desirable one. For the rest, as I said, the matter never came to the Government or the Cabinet or any individual member of the Cabinet. It did go to the Secretary General who was consulted and he gave his opinion as I have stated.

Coming back to this clause, as my colleague the Law Minister has already said, we are accepting Pandit Thakur Das Bhargava's amendment which also stands in the name of the Law Minister, that for the words "including, in particular, any existing or other law relating to", the words "or in relation to" be substituted. This simplifies or makes it more concise and the meaning clear. Apart from this, I regret, I am unable to accept any other amendment, and I hope that the House will adopt this clause in this slightly amended form unanimously or practically unanimously.

Shri Syamnandan Sahaya: I have some amendments to clause (6).

Mr. Speaker: We are not dealing with that now.

Shri Hussain Imam: Clause (6) of article 19.

Mr. Speaker: Let me just see. I am just now taking the amendments which are taken to have been moved.

Prof. K. T. Shah: They were not formally moved; they were taken as moved. Could they not be once read in the House?

Mr. Speaker: I shall read them again if necessary. I am told that some of them were read. I was not present at the time and so I could not say. Would the hon. Members like me to put the whole group in the name of one Member together?

Prof. K. T. Shah: I am sorry to stand up again. What I meant to say was that the text of these amendments has not been read at all. Merely the numbers were read.

Mr. Speaker: As I said, I am going to read them.

Prof. K. T. Shah: I thought you were going to put the whole group by Members.

Mr. Speaker: Shall I take the amendments according to the order or sequence in which they fit with the

text of the clause or shall I take them together for vote? That is the only point.

Some Hon. Members: Any way.

Pandit Thakur Das Bhargava: May I submit, Sir, that the amendments as they are put, should be voted upon. Otherwise, if there are six amendments, those who have to vote for them at one time may not even remember them. It is better that each amendment is put to vote.

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Mr. Speaker: Yes; I am taking them according to the Members.

Prof. Shibban Lal Saksena's first amendment for omission of clause 3 is out of order. He can vote against the clause. I will put his other amendments to vote.

The question is:

In page 1, line 16, for "prevent the State" substitute "prevent the Parliament".

The motion was negatived.

Mr. Speaker: His third amendment is covered by his fourth so I will put the latter to the House.

The question is:

In page 1, lines 19 and 20, omit "friendly relations with foreign States. public order".

The motion was negatived.

Mr. Speaker: The question is:

In page 1, line 20, omit "public order".

The motion was negatived.

Mr. Speaker: The question is:

In page 1, line 22, for "an offence" substitute "violence".

The motion was negatived.

Mr. Speaker: The question is:

In page 1, after line 22, insert:

"Provided that in sub-clause (2) of this article, the word 'law' shall mean 'laws made by Parliament'".

The motion was negatived.

Mr. Speaker: The question is:

In page 1, after line 22 insert:

"Provided that when such law is a law made by the legislature of a State, the provisions of this sub-clause (2) shall not apply thereto unless such law having been reserved for the consideration of the President, has received his assent".

The motion was negatived.

Mr. Speaker: The question is:

In page 2, omit lines 1 to 7.

The motion was negatived.

Mr. Speaker: The question is:

In page 2, omit sub-clause (2) of clause 3.

The motion was negatived.

Mr. Speaker: The question is:

In page 2, line 4, omit "or ever to have become void".

The motion was negatived.

Mr. Speaker: Then Pandit Thakur Das Bhargava's amendment.

The question is:

In page 1, lines 20 and 21, for "including, in particular, any existing or other law relating to" substitute "or in relation to".

The motion was ~~negatived~~ *adopted*.

Mr. Speaker: Then Shri Syamnandan Sahaya's amendment.

The question is:

In page 1, after line 35, add:

"Provided, however, that where such exclusion results in the displacement of citizens or otherwise from pursuing their normal avocation, the State shall either take over their property affected by such exclusion or shall compensate them to the extent of their loss due to such displacement."

The motion was ~~negatived~~ *adopted*.

Mr. Speaker: Then Prof. K. T. Shah's amendments.

The question is:

In page 1, lines 18 and 19, for "in the interests of" substitute "for safeguarding and maintaining".

The motion was negatived.

Mr. Speaker: The question is:

In page 1, lines 19 and 20, omit "friendly relations with foreign States".

The motion was negatived.

Mr. Speaker: The question is:

In page 1, lines 19 and 20, for "friendly relations with foreign States" substitute "amicable and peaceful relations with friendly foreign States,

who have made treaties with the Government of India in that behalf on a basis of reciprocity,".

The motion was negatived.

Mr. Speaker: The question is:

In page 1, line 20, for "public order" substitute "internal peace and the security and integrity of the State".

The motion was negatived.

Mr. Speaker: The question is:

In page 1, line 20, for "decency or" substitute "public".

The motion was negatived.

Mr. Speaker: The question is:

In page 1, line 21, for "existing or other law relating to" substitute "law which, under article 372 of the Constitution, has been adapted and kept alive by an order of the President, and which relates to".

The motion was negatived.

Mr. Speaker: The question is:

In page 1, line 22, after "defamation" insert a comma and "attempts at overthrowing or destroying the State, or endangering its integrity and independence".

The motion was negatived.

Mr. Speaker: The question is:

In page 1, line 22, for "offence" substitute "any crime of violence against person, such as murder, or against property, such as arson, sabotage, and the like".

The motion was negatived.

Mr. Speaker: The question is:

In page 1, line 27, for "existing law" substitute "law which has been adapted and kept alive under article 372 of the Constitution, by an order of the President".

The motion was negatived.

Mr. Speaker: The question is:

In page 1, line 33, for "industry" substitute "profession, industry, public utility".

The motion was negatived.

Mr. Speaker: The question is:

In page 1, after line 35, add:

"Provided that, in any case of a partial undertaking, taking over, or carrying on by the State of any

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trade, business, profession, industry, public utility or service, where private enterprise continues to function side by side with the State enterprise in the same trade, business, profession, industry, public utility or service, no discrimination shall be made in the conditions of carrying on that trade, business, profession, industry, public utility or service, against or in favour of the State enterprise, or vice versa."

The motion was negatived.

Mr. Speaker: The question is:

In page 1, after line 35, add:

"Provided that any law which is passed hereafter, and which imposes or tends to impose any restrictions on the Fundamental Right of the citizen to freedom of speech and expression, shall be introduced, in the first instance in the House of the People and passed by both the Houses of Parliament notwithstanding anything said in this part of the Constitution or any Schedule to it."

The motion was negatived.

Mr. Speaker: Now the amendment of Shri Deshbandhu Gupta.

The question is:

In page 1, omit lines 12 to 22.

The motion was negatived.

Mr. Speaker: Now the amendment of Shri Naziruddin Ahmad.

The question is:

In page 1, line 12, omit from "and" to "form" in line 14.

The motion was negatived.

Mr. Speaker: The question is:

In page 1, line 20, for "public order" substitute "prevention of public disorder".

The motion was negatived.

Mr. Speaker: The question is:

In page 1, line 20, for "public order" substitute "prevention of present danger to public order".

The motion was negatived.

Mr. Speaker: The question is:

In page 1, line 22, for "defamation" substitute "defamation including defamation of foreign Governments or their officials".

The motion was negatived.

Mr. Speaker: The question is:

In page 1, line 22, for "defamation" substitute "defamation of heads or officials of foreign States".

The motion was negatived.

Mr. Speaker: The question is:

In page 1, line 22, for "defamation" substitute "defamation including defamation of any person residing outside India".

The motion was negatived.

Mr. Speaker: The question is:

In page 1, line 22, insert at end:

"in so far as such law imposes reasonable restrictions on the exercise of the right conferred by the said sub-clause."

The motion was negatived.

Mr. Speaker: The question is:

In page 1,—for lines 15 to 22 substitute:

"(2) Nothing in sub-clause (a) of clause (1) shall affect the operation of any existing law in so far as it relates to, or prevent the State from making any law relating to, defamation including defamation of any foreign State or any head of such State, contempt of court; or any matter which offends against decency or morality; or which constitutes present danger to public order; or which constitutes incitement to murder or any offence involving violence or sabotage; or which undermines or tends to undermine the security of the State, or which tends to overthrow the State."

The motion was negatived.

Mr. Speaker: The question is:

In page 1, line 34, after "service" insert:

"relating to public transport, public communications, broadcasting and to defence industries."

The motion was negatived.

Mr. Speaker: The question is:

In page 1, after line 35, add:

"Provided that compensation shall be paid by the State under article 31 for losses if any to any citizen caused by such State trade, business, industry or service."

The motion was negatived.

Mr. Speaker: Shri Naziruddin Ahmad's amendment for omission of lines 1 to 9 in page 2 is in substance the same as Prof. Shibban Lal Sak-sena's amendment for omission of sub-clause (2) of clause 3 which has already been negated. I am therefore not putting that to the House. I will now come to his other amendments.

The question is:

In page 2, for lines 1 to 7 substitute:

"(2) All laws in force in the territory of India immediately before the commencement of the Constitution which took away or restricted the right conferred by sub-clause (a) of clause (1) of article 19 of the Constitution and the operation of which was not saved by clause (2) of the said article as originally enacted, shall stand revived and be deemed to be valid but only in so far as they are not inconsistent with clause (2) of the said article as amended by sub-section (1) and with effect from such date or dates when such laws are adapted by the President under clause (2) of article 19 of the Constitution as amended by sub-section (1) or he declares by notification in the Official Gazette that such adaptation is not necessary"

The motion was negated.

Mr. Speaker: The question is:

In page 2, line 1, for "law in force" substitute "laws in force".

The motion was negated.

Mr. Speaker: The question is:

In page 2, line 2, for "which is" substitute "in so far as such law is".

The motion was negated.

Mr. Speaker: I am not putting to the House his amendment for omission of the comma after "become void" in page 2, line 4. The Draftsman will consider it. Now his next amendment.

The question is:

In page 2, line 5, for "abridges" substitute "restricts".

The motion was negated.

Mr. Speaker: I am not putting Shri Naziruddin Ahmad's remaining three amendments as they relate to punctuation etc.

Then Shri Sarangdhar Das's amendment.

The question is:

In page 1, in line 22, add at the end:

"If the incitement is such as to cause a serious and imminent danger".

The motion was negated.

Mr. Speaker: Then Sardar Hukam Singh's amendments.

The question is:

In page 1, in line 22, for "incitement to an offence" substitute "incitement to violence".

The motion was negated.

Mr. Speaker: The question is:

In page 1, in line 22, add at the end:

"which undermines the security of, or which tends to overthrow the State."

The motion was negated.

Mr. Speaker: Shri Hussain Imam's amendment.

The question is:

In page 1, line 20, after "foreign States" insert "grave danger to".

The motion was negated.

Mr. Speaker: Then Dr. Syama Prasad Mookerjee's amendments.

The question is:

In page 1, line 16, for "the State" substitute "Parliament".

The motion was negated.

Mr. Speaker: The question is:

In page 1, after line 35, add:

"Provided that where any such law affecting clause 6(ii) is a law made by the Legislature of a State, the provisions of this article shall not apply thereto unless such law, having been reserved for the consideration of the President, has received his assent."

The motion was negated.

Mr. Speaker: The question is:

In page 1, after line 22, insert:

"Provided that where such law is a law made by the Legislature of a State the provisions of this

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article shall not apply thereto unless such law, having been reserved for the consideration of the President has received his assent."

The motion was negatived.

Mr. Speaker: Now the amendments of Prof. K. K. Bhattacharya. His first amendment for the omission of the clause is out of order as being the negative of the original. I will put his other two amendments to vote.

The question is:

In page 1, lines 19 and 20 for "friendly relations with foreign States" substitute "defamatory statements against the heads of the friendly States".

The motion was negatived.

Mr. Speaker: The question is:

In page 1, line 22, add at the end, "involving violence or murder."

The motion was negatived.

Mr. Speaker: Shri Kamath's amendments. His amendments for omission of "public order" in page 1, line 20 and "or ever to have become void" in page 2, line 4 are identical to two of Prof. Shibban Lal Saxena's amendments which have already been negatived. I will put his other amendments to vote.

The question is:

In page 1, lines 12 to 14, omit "and the said clause shall be deemed always to have been enacted in the following form".

The motion was negatived.

Mr. Speaker: The question is:

In page 1, line 22, for "incitement to an offence" substitute "incitement to grave disorder or murder or violence".

The motion was negatived.

Mr. Speaker: The question is:

In page 1, lines 19 and 20, for "friendly relations with foreign States" substitute "peaceful relations with foreign States".

The motion was negatived.

Mr. Speaker: Then Shri Goenka's amendment.

The question is:

In page 1, line 22, add at the end, "involving violence".

The motion was negatived.

Mr. Speaker: Now Pandit Kunzru's amendments.

The question is:

In page 1, for lines 18 to 20, from "in the interests of the security" to "morality" substitute:

"in the interests of the security of the State, decency or morality or for the prevention of defamatory attacks on heads of foreign States or public disorder."

The motion was negatived.

Mr. Speaker: The question is:

In page 1, line 22, for "incitement to an offence" substitute, "incitement to an offence involving violence".

The motion was negatived.

Mr. Speaker: The question is:

In page 1, after line 22, insert:

"Explanation.—The pre-censorship of news before their publication in a newspaper or other document or the banning of the entry of newspapers and other documents into any part of the territory of India shall not be deemed to be reasonable restrictions imposed within the meaning of this clause."

The motion was negatived.

Mr. Speaker: Now that concludes all the amendments.....

Prof. K. T. Shah: Sir, what about amendment No. 51 in List 2? Was it put to the House?

Mr. Speaker: When the amendment was called out the hon. Member did not say that he wanted to move it. That is what I find from the record.

The question is:

"That clause 3, as amended, stand part of the Bill."

The House divided: Ayes, 228; Noes, 19.

Division No. 5]

AYES

[4-22 P.M.]

Achint Ram, Iala.	Ghule, Shri.	Munshi, Shri K. M.
Ahammeduni, Shri.	Gopalaswami, Shri.	Munshi, Shri P. T.
Alagesan, Shri.	Gopinath Singh, Shri.	Musafr, Giani G. S.
Alexander, Shri.	Govind Das, Seth.	Naidu, Kumari Padmaja.
All, Shri A. H. S.	Guha, Shri A. C.	Naidu, Shri Ethirajulu
Alva, Shri Joachim.	Guha, Shri G. S.	Naidu, Shri S. B.
Ambedkar, Dr.	Gupta, Shri V. J.	Naik, Shri M.
Amolakh Chand, Shri	Hancef, Maulvi.	Naik, Shri S. V.
Arya, Shri B. S.	Hanumanthaiya, Shri.	Nand Lal, Master.
Asawa, Shri.	Haque, Shri.	Nathwani, Shri.
Ayyangar, Shri M. A.	Hathi, Shri.	Nausheralli, Syed.
Baldev Singh, Sardar.	Hazarika, Shri J. N.	Nehru, Shrimati Uma.
Balmiki, Shri.	Hazarika, Shri M.	Nehru, Shri Jawaharlal.
Barman, Shri.	Heda, Shri.	Nijalingappa, Shri.
Beni Singh, Shri.	Himatsingka, Shri.	Obaidullah, Shri.
Bhagat, Shri B. R.	Himatsinhji, Major General.	Pande, Dr. C. D.
Bhagwant Roy, Kaka.	Hiray, Shri.	Pannalal Bansilal, Shri.
Bharati, Shri.	Hyder Husein, Shri.	Pani, Shri B. K.
Bhargava, Pandit M. B.	Iyyunni, Shri.	Pant, Shri S. D.
Bhargava, Pandit Thakur Das.	Jagjivan Ram, Shri.	Parmar, Dr.
Bhatkar, Shri.	Jain, Shri A. P.	Pattabhi, Dr.
Bhatt, Shri.	Jain, Shri N. S.	Pillai, Shri Nadimutha.
Biyani, Shri.	Jajoo, Shri.	Poonacha, Shri.
Borooah, Shri.	Jajware, Shri Ramraj.	Pustake, Shri.
Brajeshwar Prasad, Shri.	Jangde, Shri.	Raj Bahadur, Shri.
Baragohain, Shri.	Jayashri, Shrimati	Rajagopalachari, Shri.
Chaliha, Shri.	Jnani Ram, Shri.	Ramaswamy, Shri Arigay.
Chandrika Ram, Shri.	Joseph, Shri A.	Ramaswamy, Shri Pulli.
Channiah, Shri	Kala Venkatarao, Shri	Ramaiah, Shri V.
Chattopadhyay, Shri.	Kaliyannan, Shri M.	Ranbir Singh, Ch.
Chaudhri, Shrimati Kamala.	Kanaka Sabai, Shri.	Ranjit Singh, Sardar.
Chaudhuri, Shri B. K.	Kannamwar, Shri.	Rao, Shri J. K.
Chettiar, Shri Ramalingam.	Kapoor, Shri J. B.	Rao, Shri M. V. Rama.
Das, Dr. M. M.	Karmarkar, Shri.	Rao, Shri Thirumala.
Das, Shri B.	Kazmi, Shri.	Rao, Shri Kesava.
Das, Shri B. K.	Keskar, Dr.	Rathnaswamy, Shri.
Das, Shri Biswanath.	Khaparde, Shri.	Raut, Shri
Das, Shri Jagannath.	Krishna Singh, Thakur.	Ray, Shrimati Renuka.
Das, Shri Nandkishore.	Krishnamachari, Shri T. T.	Reddi, Shri P. Basu.
Das, Shri S. N.	Krishnanand Rai, Shri.	Reddi, Shri Ranga.
Deo, Shri Shankarrao.	Kumbhar, Shri.	Reddi, Shri V. Kodandarama.
Deogirikar, Shri.	Kunhiraman, Shri.	Reddy, Shri K. V. Ranga.
Desai, Shri Kanayalal.	Lakshmannan, Shri.	Reddy, Dr. M. C.
Desai, Shri Khandubhai.	Lal Singh, Thakur.	Rudrappa, Shri.
Deshmukh, Dr.	Mahata, Shri Kashudiram.	Saksena, Shri Mohan Lal.
Deshmukh, Shri C. D.	Mahtab, Shri.	Samenta, Shri S. C.
Deshpande, Shri P. Y.	Mahtta, Shri S. N.	Sanjivayya, Shri.
Devi Singh, Dr.	Maitra, Pandit.	Santhanam, Shri.
Dharam Prakash, Dr.	Malaviya, Pandit.	Sarwate, Shri.
Dholakia, Shri.	Mallayya, Shri.	Satyanarayana, Shri.
Diwakar, Shri.	Masey, Shri.	Satish Chandra, Shri.
D'Souza, Rev.	Meeran, Shri.	Sen, Shri P. G.
Durgabai, Shrimati.	Menon, Shri Karunakara.	Shah, Shri C. C.
Dwivedi, Shri.	Mirsa, Shri.	Shah, Shri M. O.
Faisanur Ali, Maulvi.	Mishra, Shri M. P.	Shankaraiya, Shri.
Gadgil, Shri.	Misra, Shri S. P.	Sharma, Pandit Balkrishna.
Galib, Shri.	Mishra, Prof. S. N.	Sharma, Pandit Krishna Chandra.
Ganamukhi, Shri.	Mohiuddin, Saikh.	Sharma, Shri K. C.
Gandhi, Shri Feroz.	Mookerjee, Dr. H. C.	Shiv Charan Lal, Shri.
Gautam, Shri.	Moidu, Maulavi.	Shukla, Shri A. C.
Ghose, Shri S. M.	Mudgal, Shri.	Shukla, Shri S. N.

AYES—*contd.*

Sidhva, Shri.
Singh, Capt. A. P.
Singh, Dr. R. U.
Singh, Dr. Ram Subhag.
Singh, Shri B. P.
Singh, Shri T. N.
Sinha, Shri Anirudha.
Sinha, Shri A. P.
Sinha, Shri B. K. P.
Sinha, Shri K. P.
Sinha, Shri S. N.
Sinha, Shri Satya Narayan.
Sivaprakasam, Shri.
Snatak, Shri N.
Sochet Singh, Sardar

Sohan Lal, Shri.
Sonavane, Shri
Sondhi, Shri.
Sri Prakasa, Shri.
Subramaniam, Dr. V.
Subramaniam, Shri C.
Subramanian, Shri R.
Sunder Lal, Shri.
Swaminadhan, Shrimati Ammu.
Tewari, Shri R. S.
Thakkar, Dr. K. V.
Thimmappa Gowda, Shri.
Tiwari, Shri B. L.
Tripathi, Shri Kishorimohan.
Tyagi, Shri.

Upadhyay, Pandit Munishwar Datt
Upadhyaya, Shri R. C.
Valdya, Shri K.
Valdya, Shri V. B.
Vaishya, Shri M. B.
Varma, Shri B. B.
Varma, Shri M. L.
Velayudhan, Shrimati.
Venkataraman, Shri.
Vyas, Shri K. K.
Vyas, Shri Radhelal.
Wajed Ali, Maulvi.
Yadav, Shri.
Yashwant Rai, Prof.
Zakir Hussain, Dr.

NOES

Bhattacharya, Prof. K. K.
Birua, Shri.
Das, Shri Sarangdhar.
Hukam Singh, Sardar.
Hussain Imam, Shri.
Kamath, Shri
Kripalani, Acharya.

Kripalani, Shrimati Sucheta.
Kunzru, Pandit.
Menon, Shri Damodara.
Mookerjee, Dr. S. P.
Naziruddin Ahmad, Shri.
Ramnarayan Singh, Babu.
Sadiq Ali, Shri.

Sahaya, Shri Syamandan.
Saksena, Prof. S. L.
Shah, Prof. K. T.
Sinha, Shri M. P.
Velayudhan, Shri R.

The motion was adopted.

Mr. Speaker: The motion is adopted by a majority of the total Membership of the House and by a majority of not less than two-thirds of the Members present and voting.

Clause 3, as amended, was added to the Bill.

Clauses 4, 5 and 14

Mr. Speaker: We will now take up clauses 4, 5 and 14. Clause 14 is the Schedule, there being no separate Schedule to the Bill. They are all alike and we shall have a common discussion, on the amendments and clauses together, and the voting, if the House is so agreeable, will be together on all three. If any person wants separate voting on each clause I have no objection to doing that.

The time allotted is an hour and a half and we sit up to 6-30 P.M. at the latest, today, and then of course tomorrow. I will first go through the amendments. I will call out the names and hon. Members who wish to move their amendments may please indicate it.

Clause 4—(Insertion of new article 31A)

Prof. K. T. Shah: I beg to move:

(i) In page 2, line 14, for "the foregoing provisions of this Part" substitute "article 31".

(ii) In page 2, line 25, for "local area" substitute "area or in relation to any form of property referred to in article 31".

(iii) In page 2, line 27, for "existing law" substitute "existing laws or customs for the time being in force, or judicially recognized, and relating to inheritance under testamentary or intestate succession".

(iv) In page 2, line 30, after "any rights" insert "as to personal or movable property, in the shape of shares, stocks, securities, debentures, cash at bank or in hand, or goodwill, copyright, patent right, and all other rights of ownership, survivorship, coparcenary, and the like, and as regards rights".

(v) In page 2, after line 32, insert:

"(3) All estates in land, or any rights therein, or in regard to any personal or movable property mentioned in the next preceding sub-clause, if and when taken over by the State, or by any Corporation owned by or working under

the control of the State, shall be so organized, formed or operated as to avoid the creation of any rights of full and permanent ownership in such estates, and the rights incidental thereto or consequent thereon, in any private individual:

Provided that notwithstanding anything in this sub-clause, it shall be open to any State, to organize cooperative cultivation and farming of lands thus taken over, on the basis of compulsory co-operation for all purposes and activities in connection with the cultivation of such lands allowing such limited rights of ownership to the cooperators for their life only, so organised and working such lands:

Provided further that a definite maximum limit shall be imposed on any individual holding in such compulsory universal cooperative associations for farming."

Shri Naziruddin Ahmad: I beg to move:

(i) In page 2, line 18, for "abridges" substitute "restricts".

(ii) In page 2, line 19, after "provisions of this Part" add "except that relating to compensation".

(iii) In page 2, omit lines 20 to 23.

Prof. S. L. Saksena: I beg to move:

(i) In page 2, omit lines 24 to 32.

(ii) In page 2, line 27, for "existing law" substitute:

"existing laws or customs for the time being in force, or judicially recognized, and relating to inheritance under testamentary or intestate succession".

(iii) In page 2, line 31, after "any rights" insert:

"as to personal or movable property in the shape of shares, stocks, securities, debentures, cash at bank or in hand, or goodwill, copyright, patent right, and all other rights of ownership, survivorship, coparcenary and the like, and as regards rights".

(iv) In page 2, after line 32, insert:

"(3) All estates in land, or any rights therein, or in regard to any personal or movable property mentioned in the next preceding sub-clause, if and when taken over by the State, or by any Corpora-

tion owned by or working under the control of the State, shall be so reorganized, formed or operated as to avoid the creation of any rights of full and permanent ownership in such estates, and the rights incidental thereto or consequent thereon, in any private individual:

Provided that notwithstanding anything in this sub-clause, it shall be open to any State, to organize cooperative cultivation and farming of lands thus taken over, on the basis of compulsory co-operation for all purposes and activities in connection with the cultivation of such land, allowing such limited rights of ownership to the cooperators for their life only, so organised and working such lands:

Provided further that a definite maximum limit shall be imposed on any individual holding in such compulsory universal cooperative associations for farming."

Dr. Ambedkar: I beg to move: ✓

In page 2, line 28, after "area" insert:

"and shall also include any jagir, inam or muafi or other similar grant".

Ch. Ranbir Singh (Punjab): I beg to move:

In page 2, after line 28, add:

"Provided that such meaning shall in no case be taken to include lands or rights therein possessed, belonging to the proprietor thereof without any intermediary between the proprietor and the State".

Shri Hussain Imam: I beg to move:

In page 2, line 32, add at the end:

"but shall not include the right to receive arrears of rent and cesses accrued before vesting order".

Clause 5.— (Insertion of new article 31B.)

Shri Naziruddin Ahmad: I beg to move:

(i) In page 2, for lines 35 to 43 substitute:

"31B. (1) The President shall as soon as may be appoint a Commission consisting of a Judge of the Supreme Court or of a High

[Shri Naziruddin Ahmad]

Court who shall be its chairman, a Member of Parliament and an officer of the Central or a State Government with revenue experience to examine the provisions of the Acts specified in the Ninth Schedule and report as to the justness and propriety of the said Acts with particular reference to the compensation provided for, and may determine the limits and scope of such examination, the procedure to be followed by the Commission and also prescribe a time limit for the report.

(2) The President shall consider the report and may make such adaptations and modifications in any of the said Acts whether by way of repeal or amendment for the purpose of bringing the provisions of any of the Acts into accord with the provisions of this Constitution, as he deems fit and proper, and the Acts as so adapted or modified if any shall notwithstanding anything in this Part be deemed to be valid and their validity, propriety or sufficiency shall not in any way be questioned in any court on any ground whatsoever."

(ii) In page 2, line 39, for "abridges" substitute "restricts".

Prof. K. T. Shah: I beg to move:

(i) In page 2, line 38, omit comma and "or ever to have become void."

(ii) In page 2, line 40, for "this Part" substitute "article 31".

(iii) In page 2, after line 43, add:

"Provided that, before the Acts listed in the Ninth Schedule can be afforded the protection of this article, they shall all be referred to the Supreme Court, under article 143 of the Constitution, and only such of them, or such parts of any one of them, as are declared, on such reference to the Supreme Court, to be consistent with, or taking away, or abridging any of the rights conferred by article 31 of the Constitution, shall be deemed to be, and always to have been, valid."

Shri Hussain Imam: I beg to move:

In page 2, after line 43, add:

"Provided that the President shall have power within twelve months of the passing of this Act to require the State Legislature to modify the Act in a manner specified to bring about uni-

formity and remove discrimination. And if the State Legislature fails to do so within ninety days the President shall make such amendments and the Act shall be deemed to have been always so amended."

Shri Syamaandan Sahaya: I beg to move:

(i) In page 2, after line 43, add:

"Provided that nothing in article 31(a) shall be deemed to preclude any person from asserting his rights under this Part if such rights are affected by any of the provisions of the Acts specified in the Schedule, not being provisions relating to the acquisition of Estates, to the amount of compensation or to the method of fixation thereof."

(ii) In page 2, after line 43, add:

"Provided that where the right of the State to acquire or deal with an Estate under the provisions of any of the Acts specified in the Ninth Schedule is not in question, nothing in articles 31A and 31B shall be deemed to preclude the Courts from adjudicating upon claims to the compensation fixed by the State and mode of distribution thereof as between the various claimants whether such claims are based upon the rights conferred by this Part or the general law governing the parties."

Clause 14.—(Addition of Ninth Schedule.)

Shri Naziruddin Ahmad: I beg to move:

In page 4, omit clause 14.

Shri K. Vaidya (Hyderabad): I beg to move:

(i) In page 4, after line 33, add:

"12. The Hyderabad (Abolition of Jagirs) Regulation, 1358 Fasli, No. LXIX of 1358 Fasli."

(ii) In page 4, after line 33, add:

"12. The Hyderabad Jagirs (Commutation) Regulation 1359 Fasli, No. XXV of 1359 Fasli."

Mr. Speaker: The amendments will be taken as moved and placed before the House. I might clarify one impression on the part of hon. Members, that some seem to be under the impression that when an amendment is referred to here by number only the number of it is referred to or men-

tioned in the regular proceedings. That is not so. Even if I mention only the numbers here, just for the sake of saving some time, in the regular proceedings of the House, the actual amendments are put down. The whole of it goes into the proceedings.

No one need be under the impression that only the number is put in.

Now I will come to the amendments. It is probably too early to say what time the hon. Minister will require. Any way, I find there are eight hon. Members who have moved amendments. We have now one hour and forty minutes of which I shall reserve about 20 minutes for the hon. Prime Minister to reply to the points raised.

An Hon. Member: He said he may not require so much, or may not even have to reply.

Mr. Speaker: Anyway he will have to make some statement by way of reply.

Shri Jawaharlal Nehru: I do not think I will exceed fifteen minutes. I may take about ten minutes.

Mr. Speaker: All the same, I will reserve twenty minutes, to be on the safe side. It may be that some arguments are advanced which require a more elaborate reply.

Well, if hon. Members are agreeable I propose to call all those who have moved amendments to restrict their remarks to ten minutes. Fortunately we have roughly eighty minutes and so ten minutes each will be all right. Actually it may come to only nine minutes for a little time is spent this way and that. So I call on Prof. Shah now.

Shri Gautam (Uttar Pradesh): And no time for any other Member?

Mr. Speaker: No.

Shrimati Durgabai: I would like to get one or two points clarified, though not now, but under the relevant clauses.

Mr. Speaker: I do not think it is possible now. Let us not have any more discussion now.

Shrimati Durgabai: But the hon. Minister has agreed to.....

Mr. Speaker: Let us not spend any more time on this. Perhaps it will be better if the Prime Minister is contacted in regard to these points so that he may clarify them during his reply. It is better to send him a written intimation.

Prof. K. T. Shah: Sir, after the clarification you have given me, that the text of the amendments is being recorded in the proceedings, I do not think I need read out their text. I will not take up the time of the House by reading them out.

The four points which I am trying to make by these various amendments are as follows.

First of all, the attempt to extend this article 31 to the entire Part, including all the Fundamental Rights, is, in my opinion, unnecessary; and is an unjust extension. It should be confined only to the articles actually affected.

The second point is: that we can extend the principle of this amendment to the personal property also, not merely to landed estates. Equality of treatment should be maintained in this regard as between personal property and real property.

The other points are relatively minor, and I do not want to take up the time of the House by dwelling on them.

The more important points are as regards the personal property, and the reorganisation of agricultural land after the ownership rights are abolished or taken over, and the desirability, from a variety of points of view, of reconditioning our agrarian economy so as to meet both the food problem and the production problem in general. It is on that point that I propose to concentrate in this connection.

I do not want to read out the text of the amendment which is No. 66 in List No. 2. In short it says that when the estates have been taken over, they should, instead of being given over to small peasant proprietors, be reorganised and reconditioned in such a manner that all the handicaps of the small holdings of to-day, with their inability to utilise better technique of cultivation, better instruments or better irrigation manure, or marketing, should be avoided. I, therefore, suggest that, since we do maintain and keep up under the Constitution rights to property, we should reorganise these holdings into a cooperative system. In that system the right of property will not be absolutely denied; but property rights, being kept intact, the holdings would all come within the pool, so to say. There will be no exceptions. The holders will be able to contribute everything they have besides land, that is to say, cattle, their labour, their tools and implements, and also even hire other tools and instruments for mechanised cultivation and for large-

[Prof. K. T. Shah]

scale farming. By this means, they would be able to utilise better seed, better water supply, and so on. In this way, also the yield per unit from the combined and cooperating holdings in the country may be increased substantially.

I hold that, while theoretically it is not impossible for ambition of self-sufficiency in the matter of food or in the matter of raw materials of industry, to be realised, I am very much afraid that, neither within the next year nor for many years to come shall we be able to achieve that ambition, unless we recondition our agrarian economy somewhat in the manner I am suggesting. I am suggesting a reorganisation of land wherein the ownership rights of present day Zamindars and their intermediaries have been taken away, or are taken over with or without compensation, as the case may be. These estates should be made into large-scale cooperatives, which would dispense with innumerable boundary marks and the other defects that the small landholders suffer from. There must, however, be limits prescribed to the size of the maximum holding by any particular individual. That would not go against the principle of cooperation. After all, if you wish to create small peasant proprietors, and make them work cooperatives, then you must see to it there is no means of exceeding a certain maximum limit. For my part, I would like to restrict it only to the life tenure of the peasant holders, and at the end of the present generation, so to say, the land could be easily collectivised. That does not happen at the present time but as you take over these landed estates, they should be made into cooperatives so that the difficulty of small holdings may disappear.

This, as I said, should apply also to movable property according to one of my amendments, and, therefore, I commend them to the House.

Shri Naziruddin Ahmad: After having witnessed the slaughter of numerous important amendments without argument, without debate and without anybody knowing what was happening, it is somewhat of a poor consolation to me to be able to speak on a comparatively unimportant amendment. But I shall make the best use of the opportunity that has now been offered to me.

5 P.M.

Regarding the abolition of zamindari the whole question is supposed to rest on the answer to one question.

Are zamindari to be abolished? But as soon as an affirmative answer is given what shall we do? Some seem to think that once we agree to the abolition our task is finished. I however, believe the real question has not been answered; the question has only begun. The real question is whether we should pay any compensation and if so what would be the standard of compensation. The Constitution says that we may abolish zamindaris on payment of compensation. The word compensation was left beautifully vague. I tried during the consideration of the Constitution in the Constituent Assembly to clarify the meaning of the word compensation—that is adequate or fair compensation. The word compensation has a clear legal meaning—it is fair compensation. I said at the time that if we did not clarify it, the State Legislatures would be tempted to pay inadequate compensation or even no compensation at all. The crucial question is whether compensation of the kind which we thought at the time and as the plain meaning of the word suggests, has been paid, offered or provided for.

Now as to the meaning of the word compensation the weighty words of the Prime Minister may be usefully recalled. When he was speaking on an earlier occasion, when Mr. Hussain Imam suggested that zamindari could be abolished only after payment of sufficient compensation. With this the Prime Minister agreed. I base my entire arguments on this statement that something like adequate and proper compensation should be paid.

I fully know that zamindaris have no legs to stand upon. They were the creation of certain administrative exigencies of the Moghul days. During the Hindu period there was nothing like zamindari. During the Moghul period they wanted revenue to be collected, and they did not know what to do. So they appointed high military officials and others to make collections in distant parts. They were allowed some remuneration for making collections. There were various adjustments as to the expenses of the army and so forth. That was the nucleus of the zamindari system in India. In fact the State having the prior right of revenue that was allowed to be collected by certain persons who were later on described as zamindars. This led to the creation of zamindars of various degrees down to the individual above the actual cultivator. So, historically as well as on grounds of ethics and on grounds of policy the zamindars have no legs to stand upon.

But there is one aspect of the question which must be viewed from the humanitarian standpoint.

[MR. DEPUTY-SPEAKER in the Chair]

The zamindars of today have, some of them, purchased their zamindaris as if they were property which could be transferred. The British Government which stepped into the shoes of the Moghal Government admitted the transferability of the property of zamindaris. The Government in order to ensure the amount being realised annually by order made zamindaris saleable. For its own interest in the regular realisation of the revenue, Government itself declared that zamindaris are saleable for realisation of arrears. Therefore, although the zamindars had no title to land except that they were holders of office of collectors, Government in order to safeguard quick and regular realisation of the revenue made them proprietors for the interest of the Government itself. Now centuries have passed and this system has continued and by law and usage, zamindars have now come to be regarded as proprietors. We know that if a man holds any property to the exclusion of others for a period of twelve years, he acquires an indisputable title. So, by long usage the zamindar acquired some kind of proprietary rights.

I rely on the Prime Minister's clarification that some formula has to be evolved by which the zamindars may be paid a fair compensation. Therefore the whole question reduces itself as to the sufficiency or propriety of the compensation as we understand it or let us say, as the Prime Minister understands it. Although the Constitution provides for it, although the hon. Prime Minister admitted it, still we are asked to validate certain Acts, without considering whether the standard of compensation laid in them is fair or adequate. The Acts have not been examined. Nobody knows whether the standard of compensation in these provincial Acts is fair or not. It has been disclosed in the Patna High Court case that before acquiring zamindaris there have been a lot of deductions from the actual valuation. First of all a high tax on agricultural income was allowed. There were then other deductions. The result was very little was left and there were cases where nothing was left. (An Hon. Member: That is not true.) There are even cases where the zamindar had to pay something in order to get rid of his land. (An Hon. Member: That is wrong.) I do not know whether it is

right or wrong. I would welcome an enquiry into the matter. I do not like the interruption of a friend to be taken as gospel truth. I know he is young and enthusiastic and full of high hopes and he is known to be ready to ride roughshod over rights of property which he may consider to be too archaic and too unimportant to be troubled about.

An Hon. Member: These are to be examined by the President.

Shri Naziruddin Ahmad: The President has certainly powers to do that. But the President does not himself examine them. The Law Department or some other Department does that for him. There are often pitfalls in an Act which may not appear on the face of the Act, and the matter has to be considered as to concrete cases. This cannot be done by the President. The question is whether anything satisfactory and acceptable to the House has been placed before us and whether we should accept it. I urge that you validate the law subject to the payment of proper compensation, whatever that may be. That is one of my amendments and if we validate them subject to compensation, then I think the matter may be considered by some authority and the authority may examine each case with a view to find out any possible hardship and if that is done, I will be satisfied. After all we are taking away somebody's property and it is not a good thing to take away anybody's property without fair compensation or with inadequate compensation. I may make it quite clear that I am not a landlord nor am I a tenant. I am absolutely walking about with almost all my properties about me and so I have no special interest in the tenants nor any personal interest in the zamindar. I am only interested in fair principles, which have been recognised by the Constitution, being applied and justice being done.

Prof. S. L. Saksena: I am glad that these amendments have been brought before the House. I wish to point out that when article 31 was under discussion at the time of Constitution-making, we had urged that that article would stand in the way of zamindari abolition. If our views had been accepted then and the article amended properly, probably many of the Acts which have been declared to be ultra vires in Patna and at other places would not have happened. We do not know how much mischief has been caused by delay in bringing this measure. In my province, the delay has given zamindars an opportunity to turn to cash whatever they could and the delay has been due to the Govern-

[Prof. S. L. Saksena]

ment not accepting the amendments which we had then suggested. Only in one case the High Court has, of course, held that our Act in the U.P. was valid. I am therefore glad that clause 5 of this Bill will now stop all litigation. It will become an Act with no further right of appeal anywhere and that I think is the main part of this amendment. Article 31 only said about the zamindari property. Here also we are only talking of that property. I think a time will come very soon when we might have to nationalise the industries and then again we will have to amend the Constitution. I would suggest that we may do it here now itself and avoid any litigation. The rights we are taking here, I do not think, are ideal. I therefore think that there should be some further amendment in the Constitution with wider powers and I have therefore suggested amendments in that direction.

My contention is that the present zamindari Bills only create better conditions for the zamindars than there are today. In our province by abolition of zamindars, there have come into the scene *bhoomidars* and that means that instead of about a few million zamindars today there will be 100 millions of *bhoomidars*. This, I think is not a healthy change. I would have wished that all these people—the village communities in the State were able to co-operate and start cooperative farming and enjoyed the rights of the land. In that way, there would be more standard cultivation and the people would be able to solve their food problems. At present, it is not possible to do so because the small holdings of the tenants cannot be cultivated on modern lines. In my district the average holding is less than an acre. You can imagine that in a population of 40 lakhs the holder of less than one acre cannot cultivate his land on scientific lines and the result is that these people are very poor. They go all over the country and they cannot make both ends meet. If there is co-operative farming and the whole villages combined into one, then there would be better co-operative farming and farming on scientific lines and we could produce much more grain and much better results would be obtained if the whole village is collected together as a co-operative farm. Surely the produce will be several times more than the produce which single farms of half an acre of land will produce. You cannot really put the manure, the organised facilities and all those things for half an acre. If the whole village is one, you can afford tube wells, new seeds, etc., which will

bring in greater production. Unless such a thing is done, I am sure, you cannot solve the food problem. It can only be solved when the land in the country is cultivated on scientific lines and more modern methods. My view therefore is that the new Bill which had been passed in our province will not really solve the real problem. It will only create a larger number of small zamindars and *bhoomidars* holding half an acre. What does this actually amount to? Of course, he is the owner no doubt, but he cannot do anything with it. He is as bad as he was. Probably the number of these big zamindars will be less but worse conditions would follow. I think the present reform is not a reform in the real sense and I have therefore suggested these amendments and if they are accepted, it will enable the Government to co-ordinate the agricultural properties in a better and more scientific manner. Then only we shall be able to produce all the grain that we require in this country. Unless a scheme which envisages that the whole country is cultivated on modern lines and the results of scientific research are taken to the fields is adopted, we shall not be able to produce enough grain for our consumption. It is therefore necessary that we must have better methods of agriculture. That would only be possible by making agriculture more scientific. I am afraid the present amendment will not be able to give us that advantage. Therefore, I suggest that my amendments should be accepted by the House.

Shri Hyder Husein (Uttar Pradesh): Being a lawyer myself, I wanted to participate in the general debate on the Bill; but unfortunately, I did not get a chance. Therefore, I have to renounce the character of a lawyer and speak as a zamindar. I am a zamindar and I may say an old one also. My family has lived in one particular village for 15 generations and we have held this zamindari for the last four or five generations. I say for the last four or five generations because before that period, in the province of Awadh, it is not possible to say what the state of affairs was. In spite of being a zamindar, I have never allowed my personal interest to influence my opinions on public matters. In the matter of the abolition of zamindari, I have reconciled myself to the position that it must go. We cannot blind ourselves to the realities of the situation. When we find that kingship has gone, the Czar is no more and the present kings are kings merely in a different sense of the word, constitutional heads or symbols, the great dukedoms

and earldoms are a matter of history and even our great and pompous ruling chiefs are gone. How can the poor zamindars expect to hold on to their little kingdoms? Moreover, the urge of the times is that it should go. The country has been waiting for agrarian reforms for the last quarter of a century. The question of abolition of zamindari has been proclaimed from the housetops for the last decade and a half. The *modus operandi* has been before the country for the last four or five years, and if I may say so, the exemption of the Zamindari Abolition Acts from the Constitution, before this House for over two years. There is a clear indication of the policy in the old Act, article 31 of the Constitution. That provision was intended to give exemption to the Zamindari Abolition Acts from the operation of the Constitution as a whole. Unfortunately, we find that that provision has proved ineffective as we can see that even where the Acts have been upheld they cannot be enforced. In the Uttar Pradesh, the State from which I have the honour to come, we have had a decision of a Full Bench of five Judges at Allahabad upholding the Act, yet, it cannot be enforced for the simple reason that the stay order is still there. The same is the case in Nagpur. The Nagpur High Court has upheld the validity of the Act; yet the stay order is there. Under these circumstances, there is no option but to expand the provisions of the old article 31. For these reasons I would like to support the Bill.

With regard to compensation, a good deal has already been said here. But, my approach is entirely different. There is a principle of law known as *quid pro quo*, and that principle is applied to properties acquired under the Land Acquisition Act. I beg to submit that that principle is wholly inapplicable to the case of the acquisition of zamindaris for the simple reason that it is in the nature of nationalisation of estates. Unfortunately, there is no provision in the Constitution with regard to nationalisation. But, the form of nationalisation differs in the case of various kinds of properties. In the case of zamindaris, I submit that this is perhaps the only way in which it would be possible to nationalise the estates. Therefore, the principle of *quid pro quo* is not applicable. Some compensation has got to be paid. The hon. Prime Minister used the word 'adequate' and that has been repeated by several speakers. With regard to adequate compensation, I beg to submit that the question of the adequacy of the compensation must

depend upon the standard from which we have to judge it. For instance, the question is whether we are going to judge the value of a zamindari from what it was half a century ago or value of the zamindari on the date of acquisition. I submit, according to all principles of jurisprudence and law, the date of acquisition is the only date on which the adequacy of the compensation can be taken into consideration. It is very well known that zamindaris have lost practically all value these days and therefore, we have to be content with what we get. Apart from that, there is one other question: Compensation can be paid only having regard to the resources of the State and the requirements of those who are getting it. My submission is that whatever the zamindars are getting is quite enough for the present generation. The future generations must earn their livelihood and they have no business to live on unearned incomes. For these reasons I beg to support the Acts which have been passed by the various States and they are detailed in the Ninth Schedule.

Shri K. Vaidya: I have moved two amendments for the inclusion in the Ninth Schedule of the Hyderabad (Abolition of Jagirs) Regulation, 1358 F. and the Hyderabad Jagirs (Communtation) Regulation, 1359 F. So far as the abolition of jagirdaris is concerned, it was considered to be a very benevolent act on the part of the Government after the Police Action. Everybody in the State appreciated it very much. The conditions were such that nearly a quarter of the territory of Hyderabad was held by these feudal lords. Nearly a fourth of the population was living there. The annual income from these jagirdaris was about 25 lakhs or even more. Now, from the jagirdaris that have been taken under the administration of the Government, the total income is more than Rs. two crores, of course, excluding the jagirdari of His Exalted Highness which comes to nearly about Rs. two crores a year. Of course, the Nizam himself has surrendered his jagirdari and the administration is in the hands of the Government there. This step was very much appreciated by the people there and they were very grateful to the Government of India. The conditions in the jagirs there were peculiar. In addition to the usual revenue taxes, they had several other forms of taxes which they used to collect from the ryots. Hon. Members will be surprised to learn that they had a tax on talk.

[Shri K. Vaidya]

that is to say, they used to count the number of cattle by the number of the tails and levy a tax on the number of tails for horses. And they have a tax on horns.....

Shri Syamnandan Sahaya: Do horses there have horns?

Shri K. Vaidya: I mean on cattle with horns, they had a levy on them by counting the horns. And they had taxes on *choolas* or hearths. The officers of the jagirdar entered the house, counted the number of *choolas* and levied a tax accordingly. And they had a cradle tax. When a child is born in the house, there is a cradle and they used to assess the tax according to the number of cradles in the family. Also when a child is born in the jagirdar's family, some tax is collected. Similarly there is a tax when there is a marriage in the family of the jagirdar. And so the people were being oppressed all along in these various ways. Now all these things have been abolished and the people are very happy on that count.

The question now is this. After the abolition of the jagirs, a few months after, the Government had to consider the question of commutation and therefore they passed a regulation regarding the commutation of jagirs. There are now these regulations relating to this. I want that this should also be included in the Schedule. I say this because these jagirdars are trying to form associations and collect funds and considering the question of raising this matter in courts of law. Of course, they have suffered badly and therefore, naturally they are trying to dispute this matter in a court of law. I therefore say that this thing should be included in the Schedule as items 12 and 13. That is the purpose of my amendments. I hope everybody will agree with my suggestion. Everyone agrees with the proposition that jagirs should be abolished. Some people want that compensation should be paid to them and there are the regulations relating to that matter. I only want that these should be included in Schedule Nine.

I also want to bring to the notice of the House the other question which is important especially in Warangal district where there are a large number of people who have *patta* lands. They are not jagir land. But a family may have as much as, sixty or seventy thousand acres of land. Of course, now they have divided the land among the members of the family. I have suggested some amend-

ments, but I do not want to move them now. There are also *sowcar* with as much as 1,000 or 2,000 acres of land which they have acquired by lending money to cultivators on interest. And slowly the land has come under the ownership of the *sowcar*. But it is not properly looked after. Of course, now there is the Tenancy Act by which Government has the power to take over the land which is not properly cultivated and handing it over to other tenants.

I request that those Regulations be included in Schedule Nine. These are my amendments and I think they will be unanimously carried.

Shri T. Husain (Bihar): I think as a zamindar I should oppose this Bill and the article 31. But I stand up now to support the Bill and also article 31. My only source of income is from zamindari and if this article 31 is passed and it is bound to be passed, my income will become one-tenth of the present income. I will nearly become a pauper and zamindars will become paupers. The reason why I support this measure is obvious.....

Shri Hussain Imam: To pauperise the people.

Shri T. Husain: One reason is that it is in the interest of the people and it is for the good of the people and therefore, as a citizen, I must support it. My hon. friend to my left says that I am pauperising the people. We have pauperised the ruling chiefs and we are going to pauperise all the vested interests, because we want equality in everything. If it is in the interest of the country, it does not matter whether certain sections are pauperised or not.

My second reason for supporting this article is that I believe in the dictum that half a loaf is better than no bread at all. The present Government are going to pay us something, may be a tenth or a twentieth, but something is going to be paid to us, either in cash or in bonds, or partly in cash and partly in bonds. And it may be paid in annual equal instalments for forty years. But it is certain that something is going to be paid to us. It may come.....

Shri Hussain Imam: Very shortly.

Shri T. Husain: Well, I do not know what my friend to my left means by "very shortly". I am sure he is not a Socialist nor a Communist or a Congressman. I do not know what he is.

Shri Hussain Imam: A democrat.

Shri T. Husain: If he had been a democrat, he would have been a member of the Congress party to which I belong. Well, I am afraid the time may come when the Socialist party may come in power and when that happens we all know what they will do to us. If the zamindaris are abolished at that time, they will not give us anything, on the other hand, they will ask us to pay them something instead. Well, these are the reasons for which I support this Bill and this article.

[PANDIT THAKUR DAS BHARGAVA in the Chair]

Shri Hussain Imam: I wish to draw the attention of the House that no zamindar in his senses objects to the dictum laid down by the Constitution or by the hon. the Prime Minister. The whole quarrel arises whether the intention of the Constitution is carried out or something is being foisted on us in the name of the Constitution which is not covered by the terms of the Constitution as embodied in the Constitution Act. And secondly...

An Hon. Member: We are amending the Constitution.

Shri Hussain Imam: No. What we are doing is, according to the Prime Minister, to carry out the intentions of the Constitution which our wording had failed to do. And there I am at one with him, that as a Member of the Constituent Assembly, I am as much a party to this—though I was not present on that day—as anybody else is. There were two cardinal principles of the Constitution—firstly about the Acts which are passed after the Constitution came into effect and those Acts which were passed upto 18 months before the Constitution was brought into effect. Now I ask you, the House and the Law Minister to certify that the eleven Acts are covered by these two categories. Only four Acts come under the category that were passed after the Constitution and had received the assent of the President. Seven Acts are not covered by this.

Dr. Ambedkar: They were assented to, I understand.

Shri Hussain Imam: None, except the four. They are the Bihar Act, U.P. Act, Madhya Pradesh Act and one other Act. All the rest have not been assented to.

Shri Bharati (Madras): Madras Act has been assented to.

Shri Hussain Imam: Madras Act I of 1950 has been assented to, not the 1948 Act. I refer to this fact because in the beginning I spoke on the subject and suggested that ample time should be given to the House and to the Select Committee to examine these thoroughly. My complaint is that neither the Law Ministry performed its function nor was this House allowed to go deeply into the matter due to hustling. I had been to the Library and I was ashamed to learn that very few copies, if any, have been taken from the Library by the Members for reading. I had to hang my head in shame.

The other thing to which I would like to draw attention is to the dictum laid down by the hon. Prime Minister that we must pay fair, adequate compensation and not too much and I agree with that dictum. But do consider the things as they are existing. The whole thing is this that at the moment we have said that the compensation will be paid in forty instalments. In the Bihar Act it is given yearly. I am one with the Government in abolishing zamindari but on fair terms.

Dr. Ambedkar: The words 'fair compensation' do not appear in article 31.

Shri Hussain Imam: It was the wording of the hon. Prime Minister. As far as article 31 is concerned, my charge is that the seven Acts that you are thrusting down our throats are not covered by the original provisions of article 31.

Dr. Ambedkar: They are governed by new article 31A.

Shri Hussain Imam: I was referring to the fact that we must face the facts. The Socialist party says that they are not going to honour the instalments that are going to be fixed by the Congress Government. The Communists have declared from the house-tops that they are not going to honour it. Why be in a fool's paradise and believe that it will be paid in 40 years? Half a loaf is better than nothing and if you have to give, you should give now. You should realise the plight of small landholder or zamindar who has an income of 500 or 600 or 1,000 rupees. He is not a bloated capitalist. I aver that at least the lower income group should be given compensation in lump sums so that they may start some business.

My greatest complaint against the Bihar Act is that it is so framed that it allows discrimination at the sweet

[Shri Hussain Imam]
will of the Government of the day. For instance, whereas in the U.P. Act the provision is that the Act will be applied to the whole State or part of the State, the Bihar Act does not contain these provisions. It lays down that notified estates will be taken up. Now the notification will be issued and is likely to be issued with a bias and favouritism.

My second charge is that in the Madhya Pradesh Act I was simply scandalized to find that in that State the system of payment of compensation is of two kinds. I would refer you to pages 41 and 42 of their Act. The amount of compensation will be ten times the net income determined according to the rules therein contained. For Berar and C.P. it is ten times but for the unfortunate merged area, those who were formerly parts of the Indian States, you will be surprised to learn that the compensation as laid down on page 42 varies from two to ten times. Where the net income exceeds Rs. 2,000 it will be two times. Can you imagine any one State having this discrimination? Is this fair? I ask you in all humility that where is the good of having a Central Government if it does not function. Let us look at the four Acts to which the President has given assent. To none of the Acts was there any amendment made. I shall give the differences in compensation: Two times in Madhya Pradesh as the minimum, three times in Bihar as the minimum, and eight times in U.P. as the minimum. For God's sake leave these talks and come down to brass tacks. Look at the reality and sympathise with these small men. I am not concerned with the bigger man but even the big man deserves some justice at your hands if he is a citizen of India, he should get fair and adequate compensation and he should not be penalized because of the misfortune of living under one State Government and not having the good fortune to be under the other State which is more kind.

Shri Biswanath Das (Orissa): My hon. friend just now stated in the House that he hung his face in shame for the fact that none of the Members of the House cared to take books of those local Acts on loan from the Library to read and know what they are doing. I want him to know and, I make this statement that there are hon. Members in this House who not only have studied these books—without caring to go and take loan of books from the Library but have paid for the books, purchased them and studied them just to keep themselves

informed of the local legislative measures, especially regarding tenancy and land reforms.

Shri Hussain Imam: May I.....

Mr. Chairman: No.

Ch. Ranbir Singh: I hope everybody in this House is agreed on this point that article 31A is an enabling clause for the abolition of jagirdari and zamindari etc., but the reason for my moving the amendment is that in the Punjab the definition of the word 'estate' is a different one and differs in many respects. Some people may apprehend that it may cover the rights of the peasant proprietors who may be holding one or two acres. That was the idea behind my amendment. When the Prime Minister replies to the debate I hope he will be good enough to remove the apprehension that this clause will affect the small landholders of the Punjab in any way adversely.

I want to take this opportunity to lodge a grievance also. The Bombay Act according to the Schedule will be validated. There was a similar Act in the Punjab known as the Land Alienation Act, under which an agriculturist was not allowed to sell his land to a non-agriculturist. I may point out that the same provision is there under the Bombay Tenancy and Agricultural Lands Act, 1948. Under this clause that Act is being validated whereas the Punjab Land Alienation Act has been repealed on the ground that it contravenes the provisions of the Constitution. The apprehension that this may be exploited by many interested parties may be removed. I am of the view that this clause is not against the interests of the tiller of the soil, rather it is in their interest and is definitely going to safeguard the interest of the poor peasant.

Shri Syama Prasad Mukherjee: It is exceedingly difficult to speak on a subject when you have the prospect facing you of being reduced from the position of a prince to a pauper. But even so there is nothing better in this objective world than to accept and go by the maxim "what is, is". The fact remains that either today, tomorrow or the day after the concentration of anything in the hands of a few will be an impossibility. I have therefore no complaint or grouse against the attempt that is being made to abolish the system of land tenure and revenue known as the zamindari or jagirdari system.

Perhaps it has not been realised in this House that the two amendments, one of which we have accepted already and the other which we are in the process of accepting, makes large inroads on the concept of property and private property at that, which we had come to entertain as a result of several articles in the Constitution. The question of the State taking part in trading to the exclusion, partial or complete of private enterprise, was completely lost in the humdrum exchange of batteries between the hon. Law Minister and Dr. Mookerjee on the question of the freedom of speech and expression. This House, I submit, was not able to give consideration to what that change actually involved. We know that the amendment to article 19 (6) lays down that the State can take up trading or business to the exclusion, partial or complete of a private citizen. That in my opinion was not the thin end of the wedge but the thick end of the wedge, so far as the nationalisation of industries is concerned.

Then we have articles 31A and 31B. By these two provisions we have given a change in the concept which we had so far held regarding private property and the policy of the Government with regard to it. I do not contend that the change in the concept which is proposed is wrong. In this world of today both the concepts or ideologies, namely respect for private property and no respect for private property, are followed by different Governments. Therefore, I do not quarrel with those who feel that the position which we have been giving to private property in this country need not be continued. What I submit is that this matter, in my opinion, should be carefully considered and finally decided, so that the citizens of the country may know how to proceed under the circumstances. As it is, though there are the Fundamental Rights in the Constitution, the right to acquire and dispose of property or the right of private trading and opportunities for trading, actually with these measures, though it may be without the intention of the framers of the amendment, we are—not slowly—but swiftly drifting away from a policy of respect for private property.

With regard to the amendments to articles 31A and 31B here again we are laying down an unprecedented principle, that is we are validating Acts as such. Perhaps in the exigencies of the situation such a procedure may be called for and I am not disputing it. I am only submitting that in considering the amendments to the

Constitution the House has indeed taken an intelligent interest in the matter but the same amount of interest has not been displayed in seeing to it that the precedents which we are establishing may not be all too good or necessary. With great deference to the Government I submit that with regard to the Acts abolishing zamindari the Central Government has unfortunately not been quite as active in the matter as it should have been. If you refer to the Constitution you will find in the Concurrent List item 42, under which the Government of India could have laid down the principles on which compensation for property acquired or requisitioned for purposes of the Union or the State Government should be determined. If such a course had been taken by the Central Government it would have removed many of the anomalies between province and province. The matter should have been discussed on an all-India scale and the decision then reached by the Government of India might perhaps have given some satisfaction to the same class of people all over the country. Whether we consider this Government as a Federal or Union Government the fact remains that the country today knows one Government and that is the Congress Government, whether in the Centre or in the States. As such, I ask my 6 P.M. friends in this House how they would feel when the minimum compensation payable in Bihar comes to three times the net income or the zamindar, in the neighbouring State it is eight times, and in another neighbouring State it is eight times. I submit these things apart from the inequity and injustice and hardship they entail, also create a bitterness in the mind. Because after all this is an action which is being taken in pursuance of the Congress policy which was decided long ago and therefore it was only proper that when that policy was going to be translated into action the Central Government should have given the time necessary to so decide matters of principle that there may not have been these apparent and obvious inequalities in the different parts of the country. So far as Bihar is concerned, I feel that perhaps it may be possible now to smoothen out the difficulties which were faced by the zamindars as also by the State Government. The Prime Minister, in his speech the other days made a kind reference about how the States should behave after this amendment to the Constitution is passed. He also assured us that as far as possible he will also try to give some time to it and to consideration of the matters which we shall raise. I can only hope

[Shri Syamnandan Sahaya]

that he will, in the midst of his many busy preoccupations, be able to find the time to devote to this matter which, I must submit, does not merely control the destinies of a few but of nearly fifty lakhs of people in the State of Bihar alone, which would be about one-eighth of the total population of that State of four crores.

I have nothing more to add except to conclude with the hope that this matter, with the intervention of the Prime Minister and also with the consideration that the State Government will show in the matter, will come to a close which will be to the satisfaction of those who are concerned.

Mr. Chairman: The hon. Law Minister.

Dr. Ambedkar rose—

Shrimati Durgabai: May I seek clarification on a point before the Law Minister speaks, Sir? I had given notice of an amendment which I have not moved. I find that the total effect of article 31B is to validate the Acts which are included in the Ninth Schedule and also to take them away from the purview of the courts, but there are certain matters which have arisen under the other provisions of the local Acts, such as section 45 of the Madras Act which is one of the Acts included. Now under this Act there are certain claims, not between a party and a State, but between parties *inter se*, and these claims have been challenged in the courts. I would just like to know whether such cases also have been sought to be excluded from the jurisdiction of the courts because the language of this particular article reads:

“...none of the Acts specified in the Ninth Schedule nor any of the provisions thereof shall be deemed to be void...”

I realise that that particular section provides for tribunals and it is for the tribunals constituted under that section to deal with the matter of distribution or the manner of compensation. But I would like to have a clarification from the hon. Law Minister as to whether the jurisdiction of the tribunal over the courts in this particular matter of dealing with the claims of parties *inter se* is sought to be taken away.

Dr. Ambedkar: As to my own amendment I do not think that any argument is necessary in order to support the same. The amendment is merely an amplification as to the meaning of the word “estate”. Some people felt that while we had taken

note of the laws that prevail in Part A States with regard to the definition of the word “estate”, we had not taken sufficient notice of the definition of the word “estate” operating in Part B States. In order to remove that doubt I felt that it was necessary to take note of it and to amplify the definition of the word “estate” which I propose to do by my amendment.

My principal ground for rising to take part in the debate is to deal with the point that was raised by my hon. friend, Ch. Ranbir Singh. His argument, if I understood it correctly, was this that while in some States in India the word “estate” is used in a limited sense so as to include only what we call intermediaries but not to include what we call the *ryotwari* estates, that is, people holding it in their own right without there being any intermediaries between them and the State, it is quite true that there are some States where the definition of the word “estate” is a wide one and might possibly include holders under *ryotwari* or occupants under the Bombay Land Revenue Code, or *ryots* in other parts of India. At one time I thought that it might be possible to give a limiting effect to the word “estate” by the addition of an explanation, but on further consideration I find that it is more or less impossible to give an explanation which would cover the point. But I would like to say this, that there is no intention on the part of Government that the provisions contained in article 31A are to be employed for the purpose of dispossessing *ryotwari* tenants.

Shri Hussain Imam: However big they might be?

Dr. Ambedkar: Well, that is a different matter. We are making a distinction between intermediaries and *ryotwari* holders.

Now, that is certainly not the intention of the Government; I know that friends who are interested in this matter would hardly be satisfied with any expression of intention on the part of Government, but I think there is much more than mere intention in the Bill itself. If my friend, Ch. Ranbir Singh, would refer to the proviso attached to article 31A which requires that every such Bill shall be reserved for the consideration of the President, I think he will see that there is a certain amount of safeguard in it, and, as I hope the Prime Minister in his speech in reply to this debate will also make it clear, there is no such intention on the part of Government and I believe that whenever any such

measure comes before the President for consideration, the undertaking given in this House would be binding upon the President in giving his sanction so far as any such measure is concerned. Therefore, I submit there is no ground for any fear of any such thing happening and I believe that there is also no justification for any kind of propaganda that may be carried on by interested parties that this Bill proposes to give power to Government to expropriate everybody including the *ryotwari* tenants. I hope that this will satisfy my friend, Ch. Ranbir Singh.

With regard to the question that has been put to me by Durgabai...

Shri R. K. Chaudhuri (Assam) : Shrimati Durgabai.

Dr. Ambedkar : These encumbrances I do not think are very necessary. I feel terribly embarrassed when somebody calls me *Shri*. *Shri* means wealth—I have none of it.

Shri R. K. Chaudhuri : May I mention that sufficient mischief has been caused by my friend, Dr. Ambedkar, calling me by my short name the other day?

Dr. Ambedkar : I thought you agreed that that did not change your sex?

Shri R. K. Chaudhuri : That is how jealousy has been created in the minds of some sections of the House.

Shrimati Durgabai : At least not in my mind.

Dr. Ambedkar : Now with regard to that, the relevant provision in the Madras Act is section 45. That section 45 deals with impartible estates. It does not deal with ordinary estates and the provision, so far as I understand it, is that the matter of deciding whether and how the compensation is to be distributed is left to a tribunal. This Bill does not add to the powers of the tribunal; this Bill does not take away any of the powers that are given to the tribunal for that particular Act. I think within that ambit things will proceed in the way the Madras Act has determined.

Dr. Deshmukh : May I ask a clarification of the hon. Law Minister? The hon. Doctor has told us that there is no intention to dispossess or limit the *ryotwari* tenures. There are six Acts of Bombay in the Schedule. If any of these Acts do limit the *ryotwari* tenure, how far would it be proper to add those to the Schedule

and how far does it cover the intention of Government not to bring in the ambit of this amending Act the *ryotwari* tenure or to limit their extent?

Dr. Ambedkar : I know something of these Acts, coming from Bombay as I do and having practised in the High Court. Having had to deal with many cases, I have no doubt about it that the Khoti Abolition and other Acts to which my hon. friend has referred deal only with what we call intermediaries.

Shri Jawaharlal Nehru : My colleague the Law Minister has dealt with many of the points that have been raised, but as the time fixed and fairly rigidly followed today allows me a few minutes I am taking advantage of it to put a few points before the House. The House will forgive me if I indulge in some repetition.

First of all, listening to the speeches made here today and on earlier days in regard to this particular clause, it was obvious that there was a very, very large consensus of opinion in favour of it. There was criticism on some minor points here and there, but there was a general acceptance of it. As there is now a very large and general acceptance in the country of the principle of abolishing these big zamindari, we started this with a great measure of agreement.

There are two types of criticism which have been made or amendments put forward, or intended to be put forward. One was—I think it was Prof. Shah—who wanted to extend this to cover practically all other kinds of property other than land. Some other Members also put similar amendments forward, but subsequently did not pursue them. Prof. Shah objected strongly to our aiming or trying to bring about small holdings, on the ground that this will come in the way of any real land reform in the future.

[MR. DEPUTY-SPEAKER in the Chair]

Now that may be so. Nevertheless, if Prof. Shah thinks or anyone else thinks that any other course is practicable today I think he is completely out of touch with realities. Or, in the alternative we arrive at the strange conclusion—following Prof. Shah's argument—that we should not touch this big zamindari system, because in converting it into small holdings and peasant proprietorships, the like we do not go really towards

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our goal, but possibly get stuck up there. In other words, we should leave the big zamindari system to continue till with one sweep of some big broom, we can change it into some other form of tenure either collectivised or co-operative large-scale farming, etc. Now it is perfectly true that logically and scientifically considering, ultimately large-scale cooperative farming will be necessary. What type of cooperative it should be is another matter—because a large number of small farmers can cooperate together or there might be big farms; there might be State farms or dozens of variety of such cooperative farms. I am not going into that question. But the point is that at the present moment for us to think of bringing that about is completely out of the realm of reality.

May I, in this connection, give the House an instance which should make us pause and think. That is the instance of China where there are no Fundamental Rights to come in the way, where there is no compulsion of paying any compensation to anybody, where one might almost say they had a clean slate to write upon and where there is an urge towards taking to some kind of Socialist or Communist society. Nevertheless, in spite of all this the land reforms they have indulged in have resulted in the creation of millions of smaller farmers, which normally speaking should be opposed to the ideal they are aiming at, because where you have Socialism or Communism or any other 'ism' you cannot get rid of or by-pass or ignore the feelings of millions of people in your country and especially the people who are attached to the land and in whose blood there is something of that land. Therefore, the Chinese Government eager and keen to bring about basic agrarian changes, nevertheless have created a very large body of peasant proprietors. What the future will be there, I do not know.

Now for anyone in India at the present moment to talk about changes which might be said to go beyond what the Chinese Government of the day have brought about does seem to me completely lacking in understanding of the situation in India. Now it is true that of all the subjects and all the problems that we discussed, ultimately and finally the biggest problem is that of land, and it has to be partly because land is there and you just cannot by-pass it, and partly because we are fundamentally an agricultural country and however much progress we might make in big industry, or the like, nevertheless agricultural land will

continue to play a dominant part in India. That is because a vast proportion of our population is engaged in or dependent on agriculture. Therefore land problem is today and will continue to be the biggest problem—whether you look upon it from the point of view of the large number of people engaged in or of food production which is vital and of high priority, or any other way. Now this whole concept of the abolition of the zamindari system came up before us, because we felt this inner urge of our people, because we heard the cry of millions of people and sometimes those deep murmurs and rumblings, which if not listened to and if not answered create big revolutions and changes in the country. So we took this step rather slowly and hesitatingly and it has taken a mighty long time. Nevertheless we are on the way. Therefore it became of the highest importance and urgency that we should do something in this Parliament to remove any other obstructions that might remain, whatever they might be. Because the problem we deal with is ultimately something bigger than the Constitution, and Constitutions are upset if that problem is not dealt with properly. They are upset not by your vote and mine but upset by those big upheavals that have taken place from time to time in countries and that are taking place in the greater part of Asia today.

I lay stress on this because of the deep significance of this problem which is something much more than legality and constitutionalism or compensation or the like. We have tried to deal with this problem in a democratic way, in as reasonable a way as possible, so as to avoid injustice as far as possible. But then what is the measure and yardstick of your justice and injustice in this matter? If you bring me some article in the Constitution to say that so much compensation should be paid because of something there about non-discrimination or equality, well, that may be perfectly right; but if it leads you to the conclusion that if that is strictly followed no major agrarian reform can take place, then obviously that article in the Constitution is wrong, because it comes in the way of something that is important and urgent and of the most vital significance, and that article has to be amended or changed or done away with, as you like. But the major thing is you have to keep going in regard to land. Whatever your policy, you have to change the present system which is an out-of-date system, which is against progress etc. Nobody can tell me that it involves an upset. Of course it involves an upset. But it involves a lesser upset, and you will find that we are proceeding slowly.

gradually, weighing things, so that there is less of injustice and upset than what you will find in any country that has dealt with this problem.

Compensation. Yes, and I have been reminded again and again in the course of the last two or three days of a certain word I used—adequate compensation. Of course, adequate. But the opinion of Mr. Hussain Imam and my opinion may differ vastly as to what 'adequate' is. Because, as I said in my speech when this article was being adopted in the Constituent Assembly, we have to balance two things all the time, the rights of the individual and the rights of the community. We do not want to crush the individual even for the sake of the community. I agree. But we cannot allow the individual to override the rights of the community. And the rights of the community in the final balance are more important, because ultimately they affect the rights of the individual too.

Criticism is made of a lack of uniformity, of the variety of these Acts etc., of the approaches to the problem in various States and Provinces. Perfectly true. But conditions differ in these various States and Provinces. It is possible that there might have been a little more uniformity and perhaps some things that seem odd might have been corrected too by a little care. But then you have to deal with the democratic process as it functions. You have to deal with each individual State and its Assembly and its people and its peasantry and all the others as they are. It is not right, except in the most extreme cases, for the Central Government to intervene and interfere in these things. !

Shri Hussain Imam: It has the power of certification.

Shri Jawaharlal Nehru: I know it has the power of certification. The power of certification, so far as I understand, does not mean that you can change laws and evolve new laws. It is intended to see that nothing absolutely wrong is there and, if it is there, to take it out and cure injustice and the like. It is not a radical kind of second chamber looking into it and changing everything. The House knows very well that in all federal Constitutions there is an inherent conflict between the State and the federal Centre, each being jealous of its rights and all these difficulties arise. The way to deal with it and I think it is more or less open to us even in regard to these laws which have been passed and which we seek to validate here is that first of all, we have to validate them and go ahead

because nothing is more dangerous than delay in this matter. At the same time as we do that, I would appeal and request the State Assemblies which have passed them to look into them carefully, to remove any injustice that they can by executive action where necessary, by some amending measure, but they can only do that once they get going with this. Up till now, they have been checked and hampered; they do something and either by judicial decision or something else they are hampered and all kinds of injunctions come out and all kinds of lawyers flood the land and prevent any decent person from doing anything. What is one to do about it? One must get rid of this mischief. Then only you can improve what you have done. Otherwise your energy and time is taken up in meeting other peoples' obstruction. You can only look into these injustices when this major injustice and obstruction is removed. You cannot expect us to waste our time over petty injustices when this major injustice, a thing which we have been arguing for the last generation is stopped by people who have no conception of the reality in the Indian scene today. Those who think in legalistic terms, do they know that millions of people are on the move? So this is the first fundamental thing. These laws must go and must be effective. Having done that then we will look into the injustices and so far as I am concerned and my Government is concerned, I shall request each State Government which is concerned in this matter to look into this deeply and carefully and to remove any injustices.

My friends from Bihar, my zamindar friends and colleagues here were good enough to point out what they thought were injustices and hardships which the people suffer from. I have no opinion about them; I do not know but I promised them that I would look into the matter and I am glad to say that the representatives of the Bihar Government who were here promised to look into the matter, so that we might remove them in so far as we can, but we can do that only—I would beg of you to remember—if we are not continually entangled in law courts and litigation, because when a challenge comes that challenge is met in other ways. No Government will listen to me. If a provincial Government has to fight that case in a law court, do you think they are going to listen to me to look into this injustice and that? They will not be in a mood; I would like to be listened to but the mood will be absent, the mood of trying to do that. That is the major approach to this problem. Obviously the whole of

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the Constitution, of this law, of this amendment, this particular article and all these zamindari legislation is to deal fundamentally with what is called the zamindari system, by whatever name you may call it. I am glad that the words jagirs, inams, etc. are included because some people thought they may not be sure and jagirs are more important than zamindaris and talukdars are more important than zamindars. It is perfectly true, if I may say so, a still more out-of-date form of land tenure or no tenure, whatever it is, will have to be included. It is but essentially a major obstacle. It is not meant to affect the tiller of the soil except to improve his condition. Now, of course, the abolition of the zamindari system is not the end of the story. What must follow it is the land reform. Otherwise it is only half way but we have got stuck up in this; we could not go far in that matter. It has to follow.

Some of my friends from the Punjab were very anxious not to be misunderstood in their province because the word "zamindar" has a somewhat different meaning there than normally in some of the big zamindari provinces. We of course know that and whenever we talked in the past—10, 15 or 20 years—of the abolition of the zamindari system, those who did not like us or our policies in the Punjab immediately took advantage and went to the poor zamindars of the Punjab and succeeded in telling them: "they are going to abolish the zamindari system" which is absurd. We are talking about something entirely different. Nobody is going to touch that kind of zamindar in this land. That was made quite clear. So that, normally speaking, of course, this does not refer to the *ryotwari* system. I think it was Mr. Hussain Imam or some one else who interrupted Dr. Ambedkar and said something about the so-called peasant proprietors or ryots who may hold very large acreage of land: may be a thousand acres. Such things do happen. Technically they may come in; but that is unjust. What we should aim at ultimately is to bring about as much measure of equality about this as possible; no perfect equality, I mean; but these big differences should go. So far as this particular matter is concerned, it deals for the present with the zamindari, jagirdari etc. systems. The rest will no doubt follow.

Now, there are one or two points. I think Mrs. Durgabai was rather worried about...

Shrimati Durgabai: My point is answered.

Shri Jawaharlal Nehru: I am glad.

As Dr. Ambedkar has said, we have sought to change this article with a few words of clarification. I think Mr. Kashinath Rao Vaidya has proposed the addition of two Hyderabad Acts which we are prepared to accept.

One hon. Member referred to the concept of property. I do not wish to take up the time of the House; but the subject is a fascinating one. The concept of property at one time included human beings as slaves. The concept of property included all land, including every man, woman and animal as being the personal property of the King or ruler of the time. Kings waged wars to get more and more personal property and everybody conquered was a slave. From those days to this, the concept has changed considerably. To imagine that the present stage or yesterday's stage is static is as wrong to imagine that the age when human beings were considered as property was right. It is a changing concept. In fact, in the modern age, in the more developed countries, the concept of property has almost ceased to be material: not quite, but almost. Property becomes credit more and more, in the highly developed and industrialised countries. Anyway, this concept of property is a completely changing one and the concept of property in the rights of the community becomes more and more important. I am merely touching the point. It is not such a simple matter for a person to say that my property is being invaded. Property is being invaded all the time today; not in the Communist countries like Russia and China, but in the highly Capitalist countries like the USA. This thing is happening. This is inevitable in the modern age. So, if it happens here, it is not surprising. Therefore, I hope—not a question of hoping—I am sure that this House will adopt these clauses 4 and 5 and the Schedule (Ninth Schedule) attached, practically unanimously, because there is no way for us. I would beg those who may differ with a word here or there even to consider that their disagreement or wanting us to go a little further does not help at all. It only keeps you from going thus far. It is a strange impulse which wants to go farther, which gets hold of you and does not want to move at all. I do not understand that. So that, if you really accept this, what I consider, axiomatic truth that the temper of the

age and the position today in Asia and India requires rapid agrarian changes, and if you want these changes to come democratically, peacefully and with as little injustice as possible, then, we have to follow some such path and try to remove the injustices, and try to lessen wherever we can. But, it is no good one trying to stop that, because in trying to stop it and in trying to perhaps grab something more, it is quite possible you may lose all, by other forces coming into play, forces other than Parliament, Constitution and laws. We do not want these forces to come in and upset the whole apple-cart. Therefore we proceed with care and also we must proceed with rapidity.

Mr. Deputy-Speaker: Shall I put all the amendments together?

Some Hon. Members: Yes, let us finish them to-day.

Some Hon. Members: No, no.

Mr. Deputy-Speaker: Order. order.

Shri Hussain Imam: All the amendments standing in the name of the same Member may be put together.

Mr. Deputy-Speaker: I think that will be better. I shall first put the amendments to clause 4, then the amendments to clause 5 and lastly the amendments to clause 14. I will put each Member's amendments to each clause together. Now clause 4. Prof. Shah's amendments.

The question is:

In page 2, line 14, for "the foregoing provisions of this Part" substitute "article 31".

The motion was negatived.

Mr. Deputy-Speaker: The question is:

In page 2, line 25, for "local area" substitute "area or in relation to any form of property referred to in article 31".

The motion was negatived.

Mr. Deputy-Speaker: The question is:

In page 2, line 27, for "existing law" substitute "existing laws or customs for the time being in force, or judicially recognized, and relating to inheritance under testamentary or intestate succession".

The motion was negatived.

Mr. Deputy-Speaker: The question is:

In page 2, line 30, after "any rights" insert "as to personal or movable property, in the shape of shares, stocks, securities, debentures, cash at bank or in hand, or goodwill, copyright, patent right, and all other rights of ownership, survivorship, co-parcenary, and the like, and as regards rights".

The motion was negatived.

Mr. Deputy-Speaker: The question is:

In page 2, after line 32, insert:

"(3) All estates in land, or any rights therein, or in regard to any personal or movable property mentioned in the next preceding sub-clause, if and when taken over by the State, or by any Corporation owned by or working under the control of the State, shall be so reorganized, formed or operated as to avoid the creation of any rights of full and permanent ownership in such estates, and the rights incidental thereto or consequent thereon, in any private individual:

Provided that notwithstanding anything in this sub-clause, it shall be open to any State, to organize cooperative cultivation and farming of lands thus taken over, on the basis of compulsory cooperation for all purposes and activities in connection with the cultivation of such lands, allowing such limited rights of ownership to the cooperators for their life only, so organised and working such lands:

Provided further that a definite maximum limit shall be imposed on any individual holding in such compulsory universal cooperative associations for farming."

The motion was negatived.

Mr. Deputy-Speaker: Now Shri Naziruddin Ahmad's amendments.

The question is:

In page 2, line 18, for "abridges" substitute "restricts".

The motion was negatived.

Mr. Deputy-Speaker: The question is:

In page 2, line 19, after "provisions of this Part" add "except that relating to compensation".

The motion was negatived.

Mr. Deputy-Speaker: The question is:

In page 2, omit lines 20 to 23.

The motion was negatived.

Mr. Deputy-Speaker: Now Prof. Shibban Lal Saksena's amendments. His second and fourth amendments are the same as Prof. K. T. Shah's third and fifth amendments which have already been negatived by the House. I will put his other two amendments to the vote of the House.

The question is:

In page 2, omit lines 24 to 32.

The motion was negatived.

Mr. Deputy-Speaker: The question is:

In page 2, line 31, after "any rights" insert:

"as to personal or movable property in the shape of shares, stocks, securities, debentures, cash at bank or in hand, or goodwill, copyright, patent right, and all other rights of ownership, survivorship, coparcenary and the like, and as regards rights".

The motion was negatived.

Mr. Deputy-Speaker: Then Dr. Ambedkar's amendment.

The question is:

In page 2, line 28, after "area" insert:

"and shall also include any jagir, inam or muafi or other similar grant".

The motion was adopted.

Ch. Ranbir Singh: Sir, I beg leave to withdraw my amendment.

The amendment was, by leave, withdrawn.

Mr. Deputy-Speaker: Shri Hussain Imam's amendment.

The question is:

In page 2, line 32, add at the end:

"but shall not include the right to receive arrears of rent and cesses accrued before vesting order".

The motion was negatived.

Mr. Deputy-Speaker: That finishes the amendments to clause 4. Now I will take up amendments to clause 5. Shri Naziruddin Ahmad's amendments.

The question is:

In page 2, for lines 35 to 43 substitute:

"31B. (1) The President shall as soon as may be appoint a Com-

mission consisting of a Judge of the Supreme Court or of a High Court who shall be its chairman, a Member of Parliament and an officer of the Central or a State Government with revenue experience to examine the provisions of the Act specified in the Ninth Schedule and report as to the justness and propriety of the said Acts with particular reference to the compensation provided for, and may determine the limits and scope of such examination, the procedure to be followed by the Commission and also prescribe a time limit for the report.

(2) The President shall consider the report and may make such adaptations and modifications in any of the said Acts whether by way of repeal or amendment for the purpose of bringing the provisions of any of the Acts into accord with the provisions of this Constitution, as he deems fit and proper, and the Acts as so adapted or modified if any shall notwithstanding any thing in this part be deemed to be valid and their validity, propriety or sufficiency shall not in any way be questioned in any court on any ground whatsoever."

The motion was negatived.

Mr. Deputy-Speaker: The question is:

In page 2, line 39, for "abridges" substitute "restricts".

The motion was negatived.

Mr. Deputy-Speaker: Now the amendments of Prof. K. T. Shah.

The question is:

In page 2, line 38, omit comma and "or ever to have become void."

The motion was negatived.

Mr. Deputy-Speaker: The question is:

In page 2, line 40, for "this Part" substitute "article 31".

The motion was negatived.

Mr. Deputy-Speaker: The question is:

In page 2, after line 43, add:

"Provided that, before the Acts listed in the Ninth Schedule can be afforded the protection of this article, they shall all be referred to the Supreme Court, under arti-

cle 143 of the Constitution, and only such of them, or such parts of any one of them, as are declared, on such reference to the Supreme Court, to be consistent with, or taking away, or abridging any of the rights conferred by Article 31 of the Constitution, shall be deemed to be, and always to have been, valid."

The motion was negatived.

Mr. Deputy-Speaker: Shri Hussain Imam's amendment.

The question is:
In page 2, after line 43, add:

"Provided that the President shall have power within twelve months of the passing of this Act to require the State Legislature to modify the Act in a manner specified to bring about uniformity and remove discrimination. And if the State Legislature fails to do so within ninety days the President shall make such amendments and the Act shall be deemed to have been always so amended".

The motion was negatived.

Shri Syamnandan Sahaya: Sir, I beg leave to withdraw my amendments.

The amendments were, by leave, withdrawn.

Mr. Deputy-Speaker: That disposes of amendments to clause 5. Now clause 14.

Shri Naziruddin Ahmad: Sir, I beg leave to withdraw my amendment.

The amendment was by leave, withdrawn.

Mr. Deputy-Speaker: Then, amendments of Shri K. Vaidya.

The question is:

In page 4, after line 33, add:

"12. The Hyderabad (Abolition of Jagirs) Regulation, 1358 Fasli No. LXIX of 1358 Fasli."

The motion was negatived.

Mr. Deputy-Speaker: The question is:

In page 4, after line 33, add:

"12. The Hyderabad Jagirs (Commutation) Regulation, 1359 Fasli, No. XXV of 1359 Fasli."

The motion was negatived.

Mr. Deputy-Speaker: That disposes of the amendments to clauses 4, 5 and 14. Now, I would request hon. Members to consider the fact and advise if I can put all these three clauses 4, 5 and 14, containing the Schedule, together.

Hon. Members: Yes.

Mr. Deputy-Speaker: Clauses 4, 5 and 14, including the Schedule, will be put together as amended. That means that a Member who records his vote in the 'Ayes' lobby will be recording his vote in favour of all the three clauses and similarly a Member recording his vote in the 'Noes' lobby will be recording his vote against all the three clauses.

Shri Rajagopalachari: Sir, we have been following very strictly, not at the request of any Member of the House but because of the Constitution, the practice of every clause being put separately to the House. I think it is but right that we should follow the same procedure here.

Some Hon. Members: Postpone, postpone.

Mr. Deputy-Speaker: The business will take only 15 minutes more and we will finish it.

Shri Hussain Imam: Perhaps the Home Minister said it as a matter of precaution, being a lawyer.....

Mr. Deputy-Speaker: I say as a lawyer that each clause must be put separately.

Shri Jawaharlal Nehru: Sir, may I submit that clauses 4 and 5 should be taken separately and the Schedule may be attached to clause 5. I do submit that joint voting on these clauses is not desirable.

Mr. Deputy-Speaker: I intend putting them separately, because I have my own doubts and particularly because certain amendments have been adopted in respect of two of the clauses.

The question is:

"That clause 4, as amended, stand part of the Bill".

The House divided: Ayes, 230; Noes, 6.

Division No. 9]

AYES

[6-47 P.M.]

Achint Ram, Lala
 Ahammedunni, Shri
 Alagesan, Shri
 Alexander, Shri
 Ali, Shri A. H. S.
 Alva, Shri Joachim
 Ambedkar, Dr.
 Amolakh Chand, Shri
 Ansari, Shri
 Arya, Shri B. S.
 Asawa, Shri
 Baldev Singh, Sardar
 Balmiki, Shri
 Barman, Shri
 Beni Singh, Shri
 Bhagat, Shri B. R.
 Bhagwant Roy, Kaka
 Bharati, Shri
 Bhargava, Pandit M. B.
 Bhargava, Pandit Thakur Das
 Bhatkar, Shri
 Bhatt, Shri
 Bhattachareya, Prof. K. K.
 Birua, Shri
 Biyani, Shri
 Borooah, Shri
 Brajeshwar Prasad, Shri
 Buragobain, Shri
 Chaliha, Shri
 Chandrika Ram, Shri
 Channiah, Shri
 Chattopadhyay, Shri
 Chaudhri, Shrimati Kamala
 Chaudhuri, Shri R. K.
 Chettiar, Shri Ramalingam
 Das, Dr. M. M.
 Das, Shri B.
 Das, Shri B. K.
 Das, Shri Biswanath
 Das, Shri Jagannath
 Das, Shri Nandkishore
 Das, Shri S. N.
 Deo, Shri Shankarrao
 Deogirkar, Shri
 Desai, Shri Kanayala
 Desai, Shri Khandubhai
 Deshmukh, Dr.
 Deshmukh, Shri C. D.
 Deshpande, Shri P. Y.
 Devi Singh, Dr.
 Dharam Prakash, Dr.
 Dholakia, Shri
 Divakar, Shri
 D'Souza, Rev.
 Durgah, Shrimati
 Dwivedi, Shri
 Faislur Ali, Maulvi
 Gadhil, Shri
 Gadi, Shri
 Ganesan, Shri
 Gopal, Shri Rama

Gautam, Shri
 Ghose, Shri S. M.
 Ghule, Shri
 Goenka, Shri
 Gopalaswami, Shri
 Gopinath Singh, Shri
 Govind Das, Seth
 Guha, Shri A. O.
 Guha, Shri G. S.
 Gupta, Shri Deshbhandhu
 Gupta, Shri V. J.
 Haneef, Maulvi
 Hanumanthaiya, Shri
 Haque, Shri
 Hathi, Shri
 Hazarika, Shri J. N.
 Hazarika, Shri M.
 Heda, Shri
 Himatsingka, Shri
 Himatsinghi, Major-General
 Hiray, Shri
 Husain, Shri T.
 Hyder Husain, Shri
 Iyyunni, Shri
 Jagjivan Ram, Shri
 Jain, Shri A. P.
 Jain, Shri N. S.
 Jajoo, Shri
 Jajware, Shri Ramraj
 Jangde, Shri
 Jayashri, Shrimati
 Jnani Ram, Shri
 Joseph, Shri A.
 Kala Venkatarao, Shri
 Kaliyannan, Shri M.
 Kamath, Shri
 Kanaka Sabai, Shri
 Kannamwar, Shri
 Kapoor, Shri J. B.
 Karmarkar, Shri
 Kestkar, Dr.
 Khaparde, Shri
 Krishna Singh, Thakur
 Krishnamachari, Shri T. T.
 Krishnanand Bai, Shri
 Kumbhar, Shri
 Kunhiraman, Shri
 Lakshmanan, Shri
 Lal Singh, Thakur
 Mahata, Shri Kahudiram
 Mahtab, Shri
 Mahthas, Shri S. N.
 Maitra, Pandit
 Malikviya, Pandit
 Mallayya, Shri
 Mascay, Shri
 Meeran, Shri
 Menon, Shri Damodara
 Menon, Shri Karunakara
 Mirza, Shri
 Mishra, Shri M. P.

Misra, Pro. S. N.
 Mishra, Shri Yudhishtir
 Misra, Shri S. P.
 Mohiuddin, Saikh
 Mookerjee, Dr. H. C.
 Mudgal, Shri
 Munshi, Shri K. M.
 Munshi, Shri P. T.
 Musafir, Giasi G. S.
 Naidu, Kumari Padmaja
 Naidu, Shri Ethirajulu
 Naidu, Shri S. R.
 Naik, Shri M.
 Naik, Shri S. V.
 Nand Lal, Master.
 Nathwani, Shri
 Navsherali, Syed
 Nehru, Shrimati Uma
 Nehru, Shri Jawaharlal
 Nijalingappa, Shri
 Obaidullah, Shri
 Pande, Dr. C. D.
 Pannalal Bansilal, Shri
 Pani, Shri B. K.
 Pant, Shri D. D.
 Parmar, Dr.
 Patabhi, Dr.
 Pillai, Shri Nadimuthu
 Poonacha, Shri
 Pustake, Shri
 Raj Bahadur, Shri
 Rajagopalachari, Shri
 Ramaswamy, Shri Arigay.
 Ramaswamy, Shri Pulli
 Ram Dhani Das, Shri
 Ramaiah, Shri V.
 Ramnarayan Singh, Babu
 Ranbir Singh, Ch.
 Ranjit Singh, Sardar
 Rao, Shri J. K.
 Rao, Shri M. V. Rama
 Rao, Shri Shiva
 Rao, Shri Thirumala
 Rao, Shri Kesava
 Rathnaswamy, Shri
 Raut, Shri
 Ray, Shrimati Benuka
 Reddi, Shri P. Ravi
 Reddi, Shri Ranga
 Reddi, Shri V. Kodandarama
 Reddy, Shri K. V. Ranga
 Reddy, Dr. M. C.
 Rudrappa, Shri
 Sakuna, Prof. S. L.
 Sakuna, Shri Mohan Lal
 Samanta, Shri S. C.
 Sanjivayya, Shri
 Santhanam, Shri
 Sarwate, Shri
 Satyanarayana, Shri
 Satish Chandra, Shri

AYES—*contd.*

Sen, Shri P. G.
 Shah, Shri C. C.
 Shah, Shri M. C.
 Shankaraiya, Shri
 Sharma, Pandit Balkrishna
 Sharma, Pandit Krishna Chandra
 Sharma, Shri K. C.
 Shiv Charan Lal, Shri
 Shukla, Shri A. C.
 Shukla, Shri S. N.
 Sidhva, Shri
 Singh, Capt. A. P.
 Singh, Dr. R. U.
 Singh, Dr. Ram Subhag
 Singh, Shri B. P.
 Singh, Shri T. N.
 Sinha, Shri Anirudha
 Sinha, Shri A. P.
 Sinha, Shri B. K. P.

Sinha, Shri K. P.
 Sinha, Shri S. N.
 Sinha, Shri Satya Narayan
 Sivaprakasam, Shri
 Snatak, Shri N.
 Sochet Singh, Sardar
 Sohan Lal, Shri
 Sonavane, Shri
 Sondhi, Shri
 Sri Prakasa, Shri
 Subramaniam, Dr. V.
 Subramanian, Shri C.
 Subramanian, Shri R.
 Sunder Lal, Shri
 Swaminadhan, Shrimati Ammu
 Tewari Shri R. S.
 Thakkar, Dr. K. V.
 Thimmapa Gowde, Shri
 Tiwari, Shri B. L.

Tripathi, Shri Kishorimohan
 Tyagi, Shri
 Upadhyay, Pandit Munishwar Datt
 Upadhyaya, Shri R. C.
 Vaidya, Shri K.
 Vaidya, Shri V. B.
 Vaishya, Shri M. B.
 Varma, Shri B. B.
 Varma, Shri M. L.
 Velayudhan, Shri R.
 Velayudhan, Shrimati
 Venkataraman, Shri
 Vyas, Shri K. K.
 Vyas, Shri Radhelal
 Wajed Ali, Maulvi
 Yadav, Shri
 Yashwant Rai, Prof.
 Zakir Husain, Dr.

NOES

Hukam Singh, Sardar
 Hussain Imani, Shri

Kunzru, Pandit
 Mookerjee, Dr. S. P.

Naziruddin Ahmad, Shri
 Shah, Prof. K. T.

Mr. Deputy-Speaker: The motion is adopted by a majority of the total Membership of the House and by a majority of not less than two-thirds of the Members present and voting.

Clause 4, as amended, was added to the Bill.

Mr. Deputy-Speaker: I shall now proceed to put clause 5 and clause 14 separately. No amendments to clause 5 have been carried.

Division No. 7

Achint Ram, Lal.
 Ahamedunni, Shri
 Alagesan, Shri
 Alexander, Shri
 Ali, Shri A. H. S.
 Alva, Shri Joachim
 Ambedkar, Dr.
 Amolakh Chand, Shri
 Ansari, Shri
 Arya, Shri B. S.
 Awa, Shri
 Baldev Singh, Sardar
 Balmiki, Shri
 Berman, Shri
 Beni Singh, Shri
 Bhagat, Shri B. R.
 Bhagwant Roy, Kala
 Bharati, Shri
 Bhargava, Pandit M. B.
 Bhargava, Pandit Thakur Das
 Bhatkar, Shri
 Bhatt, Shri
 Bhattacharya, Prof. K. K.

Birsa, Shri
 Biyani, Shri
 Borooah, Shri
 Brajeshwar Prasad, Shri
 Buragohain, Shri
 Chaliha, Shri
 Chandrika Ram, Shri
 Channiah, Shri
 Chottopadhyay, Shri
 Chaudhri, Shrimati Kamala
 Chaudhuri, Shri R. K.
 Chettiar, Shri Ramalingam
 Das, Dr. M. M.
 Das, Shri B.
 Das, Shri B. K.
 Das, Shri Biswanath
 Das, Shri Jagannath
 Das, Shri Nandkishore
 Das, Shri S. N.
 Das, Shri Shankar
 Deogirkar, Shri
 Desai, Shri Khandabhai
 Desai, Shri Khandabhai

AYES

[7-3 P.M.]

Deshmukh, Dr.
 Deshmukh, Shri C. D.
 Deshpande, Shri P. Y.
 Devi Singh, Dr.
 Dharam Prakash, Dr.
 Dholakia, Shri
 Diwaker, Shri
 D'Souza, Rev.
 Durgabai, Shrimati
 Dwivedi, Shri
 Faizur Ali, Maulvi
 Gadgil, Shri
 Galbi, Shri
 Ganamukhi, Shri
 Gandhi, Shri Pyron
 Gautam, Shri
 Ghose, Shri S. M.
 Ghosh, Shri
 Goswami, Shri
 Gopalawami, Shri
 Gopinath Singh, Shri
 Govind Das, Shri
 Guba, Shri A. C.

The motion was adopted.

Shri Ramalingam Chettiar (Madras): Why not put both together?

Mr. Deputy-Speaker: It is better to put them separately.

The question is:

"That clause 5 stand part of the Bill."

The House divided: Ayes, 238; Noes, 7.

AYES—contd

Guha, Shri G. S.
 Gupta, Shri Deshbhandhu.
 Gupta, Shri V. J.
 Haneef, Maulvi
 Hanumanthaiya, Shri
 Haque, Shri.
 Hathi, Shri.
 Hazarika, Shri J. N.
 Hazarika, Shri M.
 Heda, Shri.
 Himatsingka, Shri
 Himatsinghi, Major-General
 Hiray, Shri.
 Husain, Shri T.
 Hyder Husein, Shri
 Iyyunni, Shri
 Jagjivan Ram, Shri
 Jain, Shri A. P.
 Jain, Shri N. S.
 Jajoo, Shri.
 Jajware, Shri Ramraj.
 Jangde, Shri.
 Jayashri, Shrimati.
 Jnan Ram, Shri
 Joseph, Shri A.
 Kala Venkatarao, Shri
 Kaliyannan, Shri M.
 Kamath, Shri.
 Kanaka Sabal, Shri
 Kannamwar, Shri.
 Kapoor, Shri J. B.
 Karmarkar, Shri
 Keskar, Dr.
 Khaparde, Shri
 Krishna Singh, Thakur
 Krishnamachari, Shri. T. T.
 Krishnamad Bai, Shri
 Kumbhar, Shri
 Kunhiraman, Shri
 Lakshmanan, Shri
 Lal Singh, Thakur
 Mahata, Shri Kehudiram
 Mahtab, Shri
 Mahtha, Shri S. N.
 Maitra, Pandit
 Malaviya, Pandit
 Mallayya, Shri
 Massey, Shri
 Meeran, Shri
 Menon, Shri Damodara
 Menon, Shri Karunakara
 Mura, Shri
 Mishra, Shri M. P.
 Mishra, Prof. S. N.
 Mishra, Shri Yudhishthir
 Mura, Shri S. P.
 Mokhteddin, Saikh

Mookerjee, Dr. H. C.
 Mudgal, Shri
 Munshi, Shri K. M.
 Munshi, Shri P. T.
 Musafir, Giani G. S.
 Naidu, Kumari Padmaja
 Naidu, Shri Ethirajulu
 Naidu, Shri S. R.
 Naik, Shri M.
 Naik, Shri S. V.
 Nand Lal, Master.
 Nathwani, Shri
 Nausherali, Syed
 Nehru, Shrimati Uma
 Nehru, Shri Jawaharlal
 Nijalingappa, Shri
 Obaidullah, Shri
 Pande, Dr. C. D.
 Pannalal Bansilal, Shri
 Paul, Shri B. K.
 Pant, Shri D. D.
 Parmar, Dr.
 Pattabhi, Dr.
 Poonacha, Shri
 Pustake, Shri
 Raj Bahadur, Shri
 Rajagopalachari, Shri
 Ramaswamy, Shri Arigay
 Ramaswamy, Shri PulI
 Ram Dhan Das, Shri
 Ramiah, Shri V.
 Ramnarayan Singh, Babu
 Ranbir Singh, Ch.
 Ranjit Singh, Sardar
 Rao, Shri J. K.
 Rao, Shri M. V. Rama
 Rao, Shri Shiva
 Rao, Shri Thirumala
 Rao, Shri Kesava
 Rathnaswamy, Shri
 Raut, Shri
 Ray, Shrimati Renuka
 Reddi, Shri P. Bari
 Reddi, Shri Ranga
 Reddi, Shri V. Kodandarama
 Reddy, Shri K. V. Ranga
 Reddy, Dr. M. C.
 Rudappa, Shri
 Saksena, Prof. S. L.
 Saksena, Shri Mohan Lal
 Samanta, Shri S. C.
 Sanjivayya, Shri
 Santhanam, Shri
 Sarwate, Shri
 Satyanarayana, Shri
 Satish Chandra, Shri
 Sen, Shri P. G.

Shah, Shri C. C.
 Shah, Shri M. C.
 Shankaraiya, Shri
 Sharma, Pandit Balkrishna
 Sharma, Pandit Krishna Chandra
 Sharma, Shri K. C.
 Shiv Charan Lal, Shri
 Shukla, Shri A. C.
 Shukla, Shri S. N.
 Sidhva, Shri
 Singh, Capt. A. P.
 Singh, Dr. K. U.
 Singh, Dr. Ram Subhay
 Singh, Shri B. P.
 Singh, Shri T. N.
 Sinha, Shri Anirudha
 Sinha, Shri A. P.
 Sinha, Shri B. K. P.
 Sinha, Shri K. P.
 Sinha, Shri S. N.
 Sinha, Shri Satya Naray
 Sivaparakasam, Shri
 Snatak, Shri N.
 Suchet Singh, Sardar
 Sohan Lal, Shri
 Sonavane, Shri
 Sondhi, Shri
 Sri Prakasa, Shri
 Subramaniam, Dr. V.
 Subramaniam, Shri C.
 Subramanian, Shri R.
 Sunder Lal, Shri
 Swaminadhan, Shrimati Amma
 Tewari, Shri B. S.
 Thakkar, Dr. K. V.
 Thimmappa Gowda, Shri
 Tiwari, Shri B. L.
 Tripathi, Shri Kishorimohan
 Tyagi, Shri
 Upadhyay, Pandit Munishwar Das
 Upadhyaya, Shri R. C.
 Vaidya, Shri K.
 Vaidya, Shri V. B.
 Vaidya, Shri M. B.
 Varma, Shri B. B.
 Varma, Shri M. L.
 Velayudhan, Shri K.
 Velayudhan, Shrimati
 Venkataraman, Shri
 Vyas, Shri K. K.
 Vyas, Shri Madhulal
 Wajed Ali, Maulvi
 Yadav, Shri
 Yashwanth Bai, Prof.
 Zakir Husain, Dr.

NOES

Musala Imam, Shri
 Kuzum, Pandit

Mookerjee, Dr. H. C.
 Mookerjee, Dr. H. C.
 Shah, Shri K. T.
 The member was absent.

Shri Sarangdhar
 Mahan Singh, Sardar

Mr. Deputy-Speaker: The motion is adopted by a majority of the total Membership of the House and by a majority of not less than two-thirds of the Members present and voting.

Clause 5 was added to the Bill.

Mr. Deputy-Speaker: I will now put clause 14 to the House.

The question is:

"That clause 14, as amended stand part of the Bill."

**The House divided: Ayes. 233:
Noes. 7.**

Division No. 8]

AYES

[7-17 P.M.]

Achint Ram, Lala
Ahammedunni, Shri
Alagesan, Shri
Alexander, Shri
Ali, Shri A. H. S.
Alva, Shri Joachim
Ambedkar, Dr.
Amolakh Chand, Shri
Ansari, Shri
Arya, Shri B. S.
Asawa, Shri
Baldev Singh, Sardar.
Balmiki, Shri
Barman, Shri
Boni Singh, Shri
Bhagat, Shri B. R.
Bhagwant Roy, Kaka
Bharati, Shri
Bhargava, Pandit M. B.
Bhargava, Pandit Thakur Das.
Bhatkar, Shri
Bhatt, Shri
Bhattacharya, Prof. K. K.
Birua, Shri
Biyani, Shri
Boroob, Shri
Brajeshwar Prasad, Shri
Buragohain, Shri
Chaliba, Shri
Chandrika Ram, Shri
Channiah, Shri
Chatteradhyay, Shri
Chaudhri, Shrimati Kamala
Chaudhuri, Shri B. K.
Chettiar, Shri Ramalingam.
Das, Dr. M. M.
Das, Shri B.
Das, Shri B. K.
Das, Shri Biswanath
Das, Shri Jegannath
Das, Shri Nandkishore
Das, Shri S. N.
Das, Shri Shankarrao
Deogirikar, Shri
Desai, Shri Kanayai
Desai, Shri Khandubhai
Deshmukh, Dr.
Deshmukh, Shri C. D.
Deshpande, Shri P. Y.
Devi Singh, Dr.

Dharam Prakash, Dr.
Dholakia, Shri
Diwakar, Shri
D'Souza, Rev.
Durgabai, Shrimati
Dwivedi, Shri
Faiznuri Ali, Maulvi
Gadgil, Shri
Galib, Shri
Ganamukhi, Shri
Gandhi, Shri Feroz
Gautam, Shri
Ghose, Shri S. M.
Ghule, Shri
Goenka, Shri
Gopalaswami, Shri
Gopinath Singh, Shri
Govind Das, Seth
Guha, Shri A. C.
Guha, Shri G. S.
Gupta, Shri Doshbandhu
Gupta, Shri V. J.
Haneef, Maulvi
Hanumanthaiyye, Shri
Haque, Shri
Hathi, Shri
Hazari, Shri J. N.
Hazari, Shri M.
Heda, Shri
Himatsingka, Shri
Himatsinhji, Major-General
Hiray, Shri
Husain, Shri T.
Hyder Hussain, Shri
Iyyunni, Shri
Jagjivan Ram, Shri
Jain, Shri A. P.
Jain, Shri N. S.
Jajoo, Shri
Jajware, Shri Ramraj
Jangde, Shri
Jayashri, Shrimati
Jnani Ram, Shri
Joseph, Shri A.
Kala Venkatarao, Shri
Kaliyannan, Shri M.
Kannath, Shri
Kankar Sobai, Shri
Kannamwar, Shri
Kannor, Shri J. B.

Karmarkar, Shri
Koskar, Dr.
Khaparde, Shri
Krishna Singh, Thakur
Krishnamachari, Shri T. T.
Krishnanand Rai, Shri
Kumbhar, Shri
Kunhiraman, Shri
Lakshmanan, Shri
Lal Singh, Thakur
Mahata, Shri Kabudiram
Mahtab, Shri
Mahtta, Shri S. N.
Maitra, Pandit
Malaviya, Pandit
Malayya, Shri
Massey, Shri
Meeran, Shri
Menon, Shri Damodara
Menon, Shri Karunakara
Mirza, Shri
Mishra, Shri M. P.
Mishra, Prof. S. N.
Mishra, Shri Yudhishtir
Mishra, Shri S. P.
Mohiuddin, Saikh
Mookerjee, Dr. H. C.
Mudgal, Shri
Munshi, Shri K. M.
Munshi, Shri P. T.
Musafir, Giani G. S.
Naidu, Kumari Padmaja
Naidu, Shri Ethirajulu
Naidu, Shri S. R.
Naik, Shri M.
Naik, Shri S. V.
Nand Lal, Master
Nathwani, Shri
Nasrullah, Syed
Nehru, Shrimati Uma
Nehru, Shri Jawaharlal
Nijalingappa, Shri
Obaidullah, Shri
Panda, Dr. C. D.
Pantabai Bhandal, Shri
Patel, Shri B. K.
Patel, Shri D. D.
Purmar, Dr.
Puthal, Dr.
Purnanand, Shri

AYES—*could.*

Pustake, Shri
 Raj Bahadur, Shri
 Rajagopalachari, Shri
 Ramaswamy, Shri Arigay
 Ramaswamy, Shri Puli
 Ramn Dhani Das, Shri
 Ramaiah, Shri V.
 Ramnarayan Singh, Babu
 Ranbir Singh, Ch.
 Ranjit Singh, Sardar
 Rao, Shri J. K.
 Rao, Shri M. V. Rama
 Rao, Shri Shiva
 Rao, Shri Thirumala
 Rao, Shri Kesava
 Rathnaswamy, Shri
 Raut, Shri
 Ray, Shimati Renuka
 Reddi, Shri P. Basi
 Reddi, Shri Ranga
 Reddi, Shri V. Kodandarama
 Reddy, Shri K. V. Ranga
 Reddy, Dr. M. C.
 Rudrappa, Shri
 Saksena, Prof. S. L.
 Saksena, Shri Mohan Lal
 Samanta, Shri S. C.
 Sanjivayya, Shri
 Santhanam, Shri
 Sarwate Shri

Satyanarayana, Shri
 Satish Chandra, Shri
 Sen, Shri P. G.
 Shah, Shri C. C.
 Shah, Shri M. C.
 Shankaraiya, Shri
 Sharma, Pandit Balkrishna
 Sharma, Pandit Krishna Chandra
 Sharma, Shri K. C.
 Shiv Charan Lal, Shri
 Shukla, Shri A. C.
 Shukla, Shri S. N.
 Sidhva, Shri.
 Singh, Capt. A. P.
 Singh, Dr. R. U.
 Singh, Dr. Ram Subhag
 Singh, Shri B. P.
 Singh, Shri T. N.
 Sinha, Shri Anirudha
 Sinha, Shri A. P.
 Sinha, Shri B. K. P.
 Sinha, Shri K. P.
 Sinha, Shri S. N.
 Sinha, Shri Satya Narayan
 Sivaprakasam, Shri
 Snatak, Shri N.
 Sochet Singh, Sardar
 Sohan Lal, Shri
 Sonavade, Shri

Sondhi, Shri
 Sri Prakasa, Shri
 Subramaniam, Dr. V.
 Subramaniam, Shri C.
 Subramanian, Shri R.
 Sunder Lal, Shri
 Swaminadhan, Shrimati Ammu
 Tewari, Shri R. S.
 Thakkar, Dr. K. V.
 Thimmappa Gowda, Shri
 Tiwari, Shri B. L.
 Tripathi, Shri Kishorimohan
 Tyagi, Shri
 Upadhyay, Pandit Munishwar Dat
 Upadhyaya, Shri R. C.
 Vaidya, Shri K.
 Vaidya, Shri V. B.
 Vaishya, Shri M. B.
 Varma, Shri B. B.
 Varma, Shri M. L.
 Velayudhan, Shri R.
 Velayudhan, Shrimati
 Venkataraman, Shri
 Vyas, Shri K. K.
 Vyas, Shri Radhelal
 Waheed Ali, Maulvi
 Yadav Shri
 Yashwant Rai, Proi.
 Zakir Husain, Dr.

NOES

Das, Shri Sarangdhar
 Hukam Singh, Sardar

Hussain Imam, Shri
 Kunzru, Pandit

Mookherjee, Dr. S. P.
 Naziruddin Ahmad, Shri
 Shah, Prof. K. T.

The motion was adopted.

Mr. Deputy-Speaker: The motion is adopted by a majority of the total Membership of the House and by a majority of not less than two-thirds of the Members present and voting.

Clause 14, as amended, was added to the Bill.

BUSINESS OF THE HOUSE

The Minister of State for Parliamentary Affairs (Shri Satya Narayan Sinha): Sir, I had requested the Speaker earlier to put before the House that the Question Hour may be dispensed with tomorrow and that if the House is meeting on the 9th those questions may be taken up on that day. I submit this because we want to finish the clauses of the Constitution (First Amendment) Bill by tomorrow forenoon so that the third reading may be taken up in the afternoon. Then it

will be suitably adjusted. Otherwise there will be much confusion tomorrow.

Shri Kamath (Madhya Pradesh): If the House is meeting on the 9th, I shall agree. Otherwise it will be difficult for me to agree.

Shri Satya Narayan Sinha: Does it mean that only for the sake of the Questions the House should meet on the 9th even if the other business is finished?

Mr. Deputy-Speaker: I think almost all except Mr. Kamath are agreed. Hon. Members were anxious to have more time on the Constitution (First Amendment) Bill. If that is so then the Questions can certainly stand over. If there is a meeting on the 9th and no questions have been tabled for that day, naturally tomorrow's questions can be taken up on that day. But to ask that there should be a special sitting only

for dealing with the Questions, if the House has otherwise finished the business, does not seem to be quite fair.

Shri Kamath: We have already transferred the Questions of the 29th May to the 8th, and now there is the proposal to transfer tomorrow's Questions to the 9th if—a big 'if' is there—the House sits on that day. The Speaker has already said that, so far as Questions are concerned even if there is one dissentient voice he would not agree to postpone or drop the Question Hour. I may submit further that Mr. Anthony Eden when he was here last year told us that during the whole period of war, 1939-45, not for one day was the Question Hour suspended in the House of Commons.

Shri Hussain Imam (Bihar): May I just draw your attention to the fact that if the programme of the Government is known it will be better. If the Government could indicate what are the Bills which they wish to proceed with, and if we are not going to sit in the afternoons, then the House can be perfectly sure that the work of the Government cannot be finished on the 4th, 5th, 6th and 7th. There is a likelihood that we will continue till the 9th. Of course it is perfectly correct that the House should not sit only for dealing with Questions. But if the

programme of work is known the House will be able to judge the position better.

The Leader of the House (Shri Jawaharlal Nehru): Sir, so far as the Government is concerned, the urgent measures which should be passed during this session, apart from the present Bill which we are dealing with, are the Representation of the People (No. 2) Bill, the Government of Part C States Bill, and finalising the delimitation of constituencies. We would not like the session to be prolonged for any other purpose. But if by any chance we have half a day to spare or some time, we can take some other work. That is a different matter. It is difficult for me to calculate how long all this would take. But I imagine that all this would take us to the 10th June probably. (*Hon. members:* 10th is a Sunday). Well, then, the 9th. I think it is highly likely that we shall have to work till Saturday afternoon.

Hon. Members: Suspend the Question Hour.

Mr. Deputy-Speaker: The Question Hour will be suspended tomorrow and the Questions will be postponed to the 9th June.

The House then adjourned till Half Past Eight of the Clock on Saturday, the 2nd June, 1951.